



# **Punjab Government Gazette**

## **EXTRAORDINARY**

**Published by Authority**

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CHANDIGARH, MONDAY, DECEMBER 19, 2016  
(AGRAHAYANA 28, 1938 SAKA)

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**PUNJAB VIDHAN SABHA SECRETARIAT**

### **NOTIFICATION**

The 19th December, 2016

**No. 53-PLA-2016/299.**-The Punjab Water Supply and Sewerage Board (Amendment) Bill, 2016 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No. 53-PLA-2016

### **THE PUNJAB WATER SUPPLY AND SEWERAGE BOARD (AMENDMENT) BILL, 2016**

A  
BILL

further to amend the Punjab Water Supply and Sewerage Board Act, 1976.

BE it enacted by the Legislature of the State of Punjab in the Sixty-seventh Year of the Republic of India as follows:-

1. (1) This Act may be called the Punjab Water Supply and Sewerage Board (Amendment) Act, 2016. Short title and commencement.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

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(AGHN 28, 1938 SAKA)

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| Amendment in section 2 of Punjab Act 28 of 1976. | 2. In the Punjab Water Supply and Sewerage Board Act, 1976 (hereinafter referred to as the principal Act), in section 2, in clause (7), for the word "Chairman", the words and signs "Chairman, Senior Vice-Chairman, Vice-Chairman" shall be substituted.  |
| Amendment in section 4 of Punjab Act 28 of 1976. | 3. In the principal Act, in section 4, -<br>(a) in sub-section (1), for the words "shall consist of a Chairman", the words and signs "may consist of a Chairman, a Senior Vice Chairman, a Vice Chairman, an ex-officio Vice-Chairman" shall be substituted;<br>(b) in sub-section (3), for the words "Chairman", the words and signs "Chairman, Senior Vice Chairman and Vice Chairman" shall be substituted; and<br>(c) for sub-section (4), the following sub-section shall be substituted, namely:-<br>"(4) The Secretary to Government of Punjab, Department of Local Government, shall be the ex-officio Vice-Chairman. Whenever the Chairman is absent or on leave or otherwise there is a vacancy in his office, the Government may authorize the Senior Vice Chairman or one of the Vice Chairman to exercise the powers of the Chairman." |
| Amendment in section 5 of Punjab Act 28 of 1976. | 4. In the principal Act, in section 5, in sub-section (1) and in the margin, for the words "Chairman", the words and signs "Chairman, Senior Vice Chairman, Vice Chairman," shall be substituted.   |

**STATEMENT OF OBJECTS AND REASONS**

The State Government has decided that provision may be made to enable the State Government to appoint Senior Vice Chairman and Vice Chairman in the Punjab Water Supply and Sewerage Board for the smooth functioning of the Board and to facilitate better public interface. Accordingly, the present Bill, i.e. the Punjab Water Supply and Sewerage Board (Amendment) Bill, 2016 aims to make suitable amendments in the Punjab Water Supply and Sewerage Board Act, 1976. Hence this Bill.

**ANIL JOSHI,**  
Minister for Local Government,  
Punjab.

**FINANCIAL MEMORANDUM**

The State Government has decided that provision may be made to enable the State Government to appoint Senior Vice Chairman and Vice Chairman in the Punjab Water Supply and Sewerage Board for the smooth functioning of the Board and to facilitate better public interface. Accordingly, the present Bill, i.e. the Punjab Water Supply and Sewerage Board (Amendment) Bill, 2016 aims to make suitable amendments in the Punjab Water Supply and Sewerage Board Act, 1976.

So far as financial implications thereof, the expenditure so incurred will be met out of the funds available with the Punjab Water Supply & Sewerage Board.

The Governor has, in pursuance of clause (1) and (3) of Article 207 of the Constitution of India, recommended to the Punjab Legislative Assembly, the introduction and consideration of the Bill.

Chandigarh  
The 19th December, 2016

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**SHASHI LAKHANPAL MISHRA**  
Secretary.

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### **PUNJAB VIDHAN SABHA SECRETARIAT**

#### **NOTIFICATION**

The 19th December, 2016

**No. 54-PLA-2016/300.**-The C.T. University Bill, 2016 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No. 54-PLA-2016

#### **THE C.T. UNIVERSITY BILL, 2016**

##### **A BILL**

to establish and incorporate a University in the State of Punjab to be known as the C.T. University for the purposes of making provisions for instruction, teaching, education, research, training and related activities at all levels in disciplines of higher education including professional, medical, technical, general education, language and literature and to provide for the matters connected therewith or incidental thereto;

Whereas the C.T. Educational Society, Jalandhar registered under the Societies Registration Act, 1860, (XXI of 1860), made a proposal to the State Government for setting up a self-financing University in the State of Punjab on the basis of the Punjab Private Universities Policy, 2010 and to make

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provisions for all the streams of higher education at all levels;

Whereas the State Government, after due consideration of the said proposal of the aforesaid Society, has come to the conclusion that the aforesaid Society is capable of establishing and running the University and accordingly has accepted its proposal for the establishment of the said Private University;

And whereas in the circumstances referred to above, it is deemed expedient to establish the C.T. University, Ludhiana for the aforesaid purposes.

BE it enacted by the Legislature of the State of Punjab in the Sixty-seventh Year of the Republic of India as follows:-

1. (1) This Act may be called the C.T. University Act, 2016.  
(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.
2. In this Act, unless the context otherwise requires,-
  - (a) 'Academic Council' means the Academic Council of the University;
  - (b) 'authorities' means the authorities of the University;
  - (c) 'Board of Management' means the Board of Management of the University;
  - (d) 'Board of Studies' means a body to be constituted by the Governing Body ;
  - (e) 'campus' means a contiguous area within which the University is situated;
  - (f) 'Chairman' means the Chairman of the Society;
  - (g) 'Chancellor' means the Chancellor of the University;
  - (h) 'Chief Finance and Accounts Officer' means the Chief Finance and Accounts Officer of the University;
  - (i) 'Dean' means the Dean of the University;
  - (j) 'Governing Body' means the Governing Body of the University;
  - (k) 'institution' means an institution or institute or college or academic centre (by whatever name it may be called) run or managed by the University within the campus;
  - (l) 'prescribed' means prescribed by the statutes, ordinances and regulations;
  - (m) 'Registrar' means the Registrar of the University;
  - (n) 'Society' means the C.T. Educational Society, registered under the Societies Registration Act, 1860 (XXI of 1860);

Definitions.

- (o) 'State Government' means the Government of the State of Punjab;
- (p) 'statutes', 'ordinances' and 'regulations' means the statutes, ordinances and regulations of the University made by it under this Act;
- (q) 'teacher' includes Professor, Reader, Associate Professor, Assistant Professor, Lecturer and any such other person who imparts instruction in the University;
- (r) 'University' means the C.T. University established under section 3 of this Act;
- (s) 'Vice-Chancellor' means the Vice-Chancellor of the University; and
- (t) 'Visitor' means the Visitor of the University.

3. (1) There shall be established a private University by the name of the C.T. University in the State of Punjab. Establishment of the University.

(2) The University shall be run and managed by the Society in accordance with the provisions of this Act.

(3) The University shall be a body corporate by the name mentioned in sub-section (1) and shall have perpetual succession and a common seal. It shall have the power to acquire, hold, dispose of property both moveable and immoveable and to make contract and shall sue and be sued by the said name.

(4) The headquarter of the University shall be located at the C.T. Educational Society, Greater Kailash, G.T. Road Maqsudan, Jalandhar-144008.

(5) The University shall be self-financed and it shall not be entitled to receive any grant or other financial assistance from the State Government.

4. The objects of the University shall be -

- (i) to provide for instruction, teaching, education, research and training at all levels in all disciplines of higher education including professional, medical, technical, general education and in any other stream and subject, as per the needs of the industry and the society in general, as may be deemed necessary by the University through all the modes of education as may emerge or become relevant in future;
- (ii) to promote the academic aspirations of the rural students;
- (iii) to undertake industry oriented teaching, training and research extension programmes and to provide employable skills with a view to contribute to the development of the society;
- (iv) to provide for research, creation, advancement and dissemination of knowledge, wisdom and understanding;

Objects of the University.

Powers and  
functions of the  
University.

- (v) to encourage and motivate leading industrial houses for setting up their respective corporate institutes at the campus for academia industry nexus;
  - (vi) to disseminate knowledge so as to make it accessible to all strata of the society;
  - (vii) to promote the Punjabi studies to provide for research in Punjabi language and literature and to undertake measures for the development of Punjabi language, literature and culture; and
  - (viii) to do all such things as may be necessary or desirable to further the objects of the University.
5. The University shall have the following powers and functions to be exercised and performed by it or through its officers and authorities, namely:-
- (i) to make provisions and adopt all measures (including adoption and updating of the curricula) in respect of starting courses of study, teaching, training, research, consultancy and granting affiliation relating to the courses through traditional as well as new innovative modes including online education modes;
  - (ii) to conduct examinations for granting or conferring Doctorate, Masters, Degrees, Diplomas and Certificates;
  - (iii) to institute and confer the designation of Professor, Associate Professor, Assistant Professor, Reader, Lecturer or any other equivalent designation, as may be required by the University in its campus or its institutions and to appoint persons as such;
  - (iv) to institute and award fellowships, scholarships, studentships, exhibitions, as may be prescribed;
  - (v) to provide for equivalence of the degrees, diplomas and certificates of the students completing their courses, partially or in full, from any other recognized University, Board or Council or any other competent authority in India;
  - (vi) to provide for dual degree, diploma or certificate vis-à-vis other Universities on reciprocal basis;
  - (vii) to set up central library, departmental libraries, museums and allied matters within the campus;
  - (viii) to demand and collect fees and other charges, as may be prescribed;
  - (ix) to hold, manage and run the funds of the Society and endowments created in favour of the University;



- (x) to institute and confer honorary degrees, as may be prescribed;
- (xi) to print and publish the works of the academic excellence and to establish chairs of excellence;
- (xii) to take special measures for the spread of educational facilities amongst the educationally backward strata of society;
- (xiii) to encourage and promote sports;
- (xiv) to create technical, administrative, ministerial and other necessary posts and to make appointments thereto;
- (xv) to receive grants from the University Grants Commission and other Central or State agencies;
- (xvi) to receive and to raise loans and advances for the University;
- (xvii) to undertake research projects on mutually acceptable terms and conditions in respect of agriculture, industry and business;
- (xviii) to provide consultancy services ;
- (xix) to encourage and promote extra-curricular activities for personality development of the students, teachers and employees of the University;
- (xx) to purchase, acquire and take on lease or mortgage, any immovable or movable property and to sell, lease, mortgage, alienate and transfer any immovable or movable property belonging to or vested in the University;
- (xxi) to prescribe the fee structure for various categories of students;
- (xxii) to seek collaboration with other institutions on mutually acceptable terms and conditions;
- (xxiii) to fix, determine and provide salaries, remunerations and honoraria to teachers and employees of the University in accordance with the norms specified by the University Grants Commission;
- (xxiv) to do self-certification, which shall be exempted from obtaining any permission, approval, license, certificate, no objection certificate or authorization from the State Government or any other body set-up by the State Government;
- (xxv) to frame statutes, ordinances and regulations for carrying out the objects of the University; and
- (xxvi) to perform all such other functions, which may be necessary or desirable in furtherance of the objects of the University.

- Jurisdiction of the University. 6. (1) The University shall exercise its jurisdiction within its campus.  
(2) The University shall affiliate it to those educational or professional institutions, established, run or managed by the Society within the campus with regard to which a specific decision is taken by the Society.
- Officers of the University. 7. The following shall be the officers of the University, namely:-  
(i) the Visitor;  
(ii) the Chancellor;  
(iii) the Vice-Chancellor;  
(iv) the Registrar;  
(v) the Deans of the faculties;  
(vi) the Chief Finance and Accounts Officer; and  
(vii) such other officers of the University, as may be declared by the statutes, to be the officers of the University.
- The Visitor. 8. (1) The Governor of Punjab shall be the Visitor of the University.  
(2) The Visitor shall preside over the convocation of the University for conferring degrees and diplomas.  
(3) The Visitor shall have the right to call for any information relating to the affairs of the University.  
(4) The Visitor, in consultation with the Chancellor, may cause the inspection, scrutiny, investigation, survey or inquiry or any other such like thing to be made by such person, as he may direct in respect of administrative, academic or executive matters of the University.  
(5) The Visitor shall, in every case, give notice to the University of his intention to cause the inspection, scrutiny, investigation, survey or inquiry or any other such like thing to be made and the University shall appoint a representative, who shall be present at such inspection, scrutiny, investigation, survey or inquiry or any other such like thing, as the case may be.  
(6) The Visitor may inform the Vice-Chancellor about the results of such inspection, scrutiny, investigation, survey or inquiry and the Vice-Chancellor shall communicate to the Governing Body, the views of the Visitor along with such advice, as the Visitor may have tendered and the action to be taken on such advice.  
(7) The Vice-Chancellor shall inform the Visitor about the action taken or proposed to be taken by the University with respect to the inspection, scrutiny, investigation, survey, inquiry or any other such like thing, as the case may be.  
(8) If the State Government considers it appropriate in public interest to make inspection, scrutiny, investigation, survey or inquiry, as the case may

be, in respect of any matter relating to the University or its institutions, a reference shall be made by the State Government to the Visitor, who shall, in consultation with the Chancellor, cause such inspection, scrutiny, investigation, survey or inquiry to be made.

9. (1) The Chairman shall be the Chancellor of the University and the Chancellor, in the absence of the Visitor, shall preside over the convocation of the University.

(2) The Chancellor shall be the Chairman of the Governing Body and he shall approve all appointments, nominations, removals, suspensions and reinstatements of the employees and officers of the University either *suo-moto* or on the recommendation of the authority concerned of the University.

(3) The Chancellor may amend or revoke any decision taken by any authority or officer of the University and may exercise his powers either *suo-moto* or otherwise to do all things to facilitate the smooth functioning of the University.

(4) The Chancellor shall have the power to do all such other functions as may be required to further the objects of the University and any matter incidental thereto and the decision taken by the Chancellor shall be final and binding on all the concerned of the University.

(5) If, in the opinion of the Chancellor, any decision of any officer or authority of the University is beyond the power conferred under this Act or the statutes or ordinances or regulations or is likely to be prejudicial to the interests of the University, he shall ask such officer or authority to revise its decision within a period of fifteen days and in case, the officer or authority refuses to revise such decision, wholly or partly, or fails to take any decision within a period of fifteen days, the decision of the Chancellor shall be final.

(6) If, at any time, upon the representation made or otherwise, it appears to the Chancellor that the Vice-Chancellor or any other officer of the University-

- (a) has made default in performing any duty imposed upon him under this Act or otherwise; or
- (b) has acted in a manner prejudicial to the interests of the University;  
or
- (c) is incapable of managing the affairs of the University,

the Chancellor may, notwithstanding the fact that term of that officer has not expired, by an order in writing and stating the reasons therein, require the Vice-Chancellor or the officer concerned to relinquish his office from such

date, as may be specified in the order. The Vice-Chancellor or the officer concerned shall be deemed to have relinquished his office from the date so specified:

Provided that no such order shall be passed, unless the grounds on which such action is proposed to be taken are communicated to the Vice-Chancellor or the officer concerned and he is given reasonable opportunity of being heard.

The Vice-  
Chancellor.

10. (1) The Vice-Chancellor shall be appointed by the Chancellor from amongst the panel of three persons recommended by the Governing Body.

(2) No person shall be appointed as Vice-Chancellor, unless he possesses such qualifications as are specified by the University Grants Commission.

(3) The Vice-Chancellor shall be the overall in-charge of the University, who shall exercise general superintendence and control in the affairs of the University and shall execute the decisions of various authorities of the University.

(4) In case of the absence of the Visitor and the Chancellor, the Vice-Chancellor shall preside over convocation of the University.

(5) The Vice-Chancellor shall exercise such powers and perform such functions, as may be prescribed.

The Registrar.

11. (1) The Registrar shall be appointed by the Chancellor from amongst the panel of three persons recommended by the Governing Body.

(2) No person shall be appointed as Registrar, unless he possesses such qualifications as are specified by the University Grants Commission.

(3) The Registrar shall sign all contracts and authenticate all documents or records for and on behalf of the University.

(4) The Registrar shall be the Member-Secretary of the Governing Body, the Board of Management and the Academic Council but he shall not have the right to vote.

(5) The Registrar shall exercise such other powers and perform such other functions, as may be prescribed.

The Chief  
Finance and  
Accounts Officer.

12. (1) The Chief Finance and Accounts Officer shall be appointed by the Chancellor in such manner, as may be prescribed.

(2) No person shall be qualified to be appointed as Chief Finance and Accounts Officer, unless he has passed the Chartered Accountancy Test conducted by the Institute of Chartered Accountants of India.

(3) The Chief Finance and Accounts Officer shall exercise such powers and perform such functions, as may be prescribed.

13. (1) The University may appoint such other officers, as it may deem necessary for its smooth functioning. Other officers.

(2) The manner of appointment of such other officers of the University and their powers and functions shall be such, as may be prescribed.

14. The following shall be the authorities of the University, namely:- Authorities of the University.

- (i) the Governing Body;
- (ii) the Board of Management;
- (iii) the Academic Council; and
- (iv) such other authorities, as may be declared by the statutes to be the authorities of the University.

15. (1) The Governing Body of the University shall consist of the following persons, namely :- The Governing Body.

- (a) the Chancellor; : Chairman
- (b) the Vice-Chancellor; : Member
- (c) three persons nominated by the Society, : Member  
out of whom two shall be eminent  
educationists;
- (d) one expert of management or infor- : Member  
mation technology;
- (e) one expert of Finance, nominated by the : Member  
Chancellor;
- (f) the Secretary to Government of Punjab, : Member  
Department of Higher Education or his  
representative, not below the rank of Joint  
Secretary; and
- (g) one eminent educationist nominated by : Member  
the Secretary to Government of Punjab,  
Department of Higher Education in  
consultation with the Chancellor.

(2) The Governing Body shall be the supreme body of the University. It shall perform the following functions, namely:-

- (a) to provide general superintendence and to give directions for

- 
- controlling the functioning of the University in accordance with the statutes, ordinances and regulations;
- (b) to review the decisions of other authorities of the University in case these are not in conformity with the provisions of the statutes, ordinances and regulations;
- (c) to approve the budget and annual report of the University;
- (d) to lay down the extensive policies to be followed by the University; and
- (e) to exercise such other powers, as may be prescribed by the statutes.
- (3) The Governing Body shall meet at least twice in a calendar year.
- (4) The quorum for meeting of the Governing Body shall be five.
- The Board of management. 16. (1) The Board of Management shall consist of the following members, namely:-
- (a) the Chancellor or his nominee; : Chairperson
- (b) the Vice-Chancellor; : Member
- (c) two members of the Society nominated by the Society; : Member
- (d) the Director of the Directorate concerned relating to education as representative of the State Government; : Member
- (e) three persons, who are not the members of the Society, nominated by the Society; : Member
- (f) two persons from amongst the teachers nominated by the Society; and : Member
- (g) two teachers, nominated by the Chancellor. : Member
- (2) The Board of Management shall exercise such powers and perform such functions, as may be prescribed.
- (3) The Board of Management shall meet at least twice in a calendar year.
- (4) The quorum for meeting of the Board of Management shall be five.
- The Academic Council. 17. (1) The Academic Council shall consist of the following members, namely:-
- (a) the Vice-Chancellor; : Chairperson

- (b) one eminent academician nominated by the : Member  
State Government as its representative; and
- (c) such other persons, as may be prescribed. : Member

(2) The Academic Council shall be the main academic body of the University and it shall, subject to the provisions of this Act, statutes, ordinances and regulations, co-ordinate and exercise general supervision over the academic policies of the University.

(3) The quorum for meeting of the Academic Council shall be such, as may be prescribed.

18. (1) The Finance Committee shall consist of the following members, The Finance  
namely :- Committee.

- (i) the Vice-Chancellor; : Chairperson
- (ii) the Dean, Academic Affairs; : Member
- (iii) the Registrar; : Member
- (iv) two persons nominated by the Society : Member  
out of whom one shall be a financial  
expert; and
- (v) the Chief Finance and Accounts Officer. : Member-  
Secretary

(2) The members nominated by the Society shall hold office for a period of two years.

19. (1) The Chief Accounts and Finance Officer shall get the annual budget of the University prepared along with the requisite documents and submit the same to the Finance Committee for its approval. The Chief Accounts and Finance Officer shall also get the accounts of the annual income and expenditure of the University prepared and get the same audited from the Chartered Accountant, so appointed by the Finance Committee in this regard. Functions of the  
Finance  
Committee.

(2) The budget approved by the Finance Committee, alongwith the note with regard to the audit of income and expenditure of the University, referred to in sub-section (1), shall be placed before the Chancellor for approval.

(3) The Finance Committee shall tender advice to the Chancellor on financial matters of the University.

20. The composition, constitution, powers and functions of authorities under clause (iv) of section 14, shall be such, as may be prescribed. Other authorities.

Disqualification  
for membership  
of an authority  
or body.

21. A person shall be disqualified for being a member of any of the authorities or body of the University, if he -

- (i) is of unsound mind and stands so declared by a competent court; or
- (ii) is an un-discharged insolvent; or
- (iii) has been convicted of any offence involving moral turpitude; or
- (iv) has been punished for indulging in or promoting unfair practice in the conduct of any examination in any form.

Acts or  
proceedings not  
to be invalidated  
due to vacancies.

22. No act done or proceedings taken under this Act by an authority or body of the University shall be invalid merely on the ground of -

- (a) any vacancy or defect in the constitution of the authority or body; or
- (b) any defect or irregularity in nomination or appointment of person acting as member thereof; or
- (c) any defect or irregularity in such act or proceeding not affecting the merits of the case.

Filling up of  
emergent  
vacancies.

23. If any vacancy occurs in any authority or body of the University due to death, resignation or removal of member or due to change of capacity in which he was appointed or nominated, the same shall be filled up, as early as possible, by the authority or body which had appointed or nominated such a member:

Provided that the person so appointed or nominated as a member of any authority or body of the University in an emergent vacancy shall remain member of such authority or body only for the remaining tenure of the member, in whose place he is appointed or nominated, as the case may be.

Committees.

24. The authorities or officers of the University may constitute such committees, as may be necessary for performing specific tasks by such committees. The constitution of such committees and their duties shall be such, as may be prescribed.

Running special  
school for  
imparting free  
education to  
students.

25. Notwithstanding anything contained in this Act, the Society shall run a special school for imparting education to minimum fifty students in 11th class and 12th class, free of cost, which shall also include the facility of free accommodation and free diet. Admission of the students shall be made on the basis of merit.

Power to make  
statutes.

26. (1) The Governing Body may, from time to time, make statutes or may amend or repeal the same.



(2) The statute or any amendment made therein or repeal thereof shall require the approval of the Chancellor.

(3) Subject to the provisions of this Act, the statutes may provide for the following matters, namely:-

- (i) the constitution, powers and functions of the authorities and other bodies of the University, as may be constituted from time to time;
- (ii) the terms and conditions of appointment of the Vice-Chancellor and his powers and functions;
- (iii) the manner, terms and conditions of appointment of the Registrar and Chief Finance and Accounts Officer and their powers and functions;
- (iv) the manner, terms and conditions of appointment of other officers and teachers and their powers and functions;
- (v) the terms and conditions of service of the employees of the University;
- (vi) the procedure for arbitration in case of dispute between University, officers, teachers, employees and students;
- (vii) the conferment of honorary degrees;
- (viii) the exemption of students from payment of tuition fee and for awarding them scholarships and fellowships;
- (ix) the policy of admissions, including regulation of reservation of seats;
- (x) the number of seats in different courses; and
- (xi) any other matter for which statutes are required to be made under this Act.

(4) After the approval of the Chancellor, the statutes of the University shall be submitted to the State Government for its approval.

(5) The State Government shall consider the statutes submitted by the University and shall give its approval without or with such modifications, if any, as it may deem necessary and return the statutes to the University.

(6) The University shall, with the approval of the Governing Body, communicate its concurrence to the statutes as approved by the State Government, and if it desires not to give effect to any or all of the modifications made by the State Government, it may give reasons thereof.

(7) After the statutes are finally approved by the State Government, these shall be published in the Official Gazette of the University.

(8) The statutes so made, shall not be amended without the approval of the State Government.

Power to make  
ordinances.

27. (1) The Governing Body may, from time to time, make ordinances or may amend or repeal the same.

(2) Every ordinance or any amendment made therein or repeal thereof, shall require the approval of the Chancellor.

(3) Subject to the provisions of this Act, the ordinances may provide for the following matters, namely:-

- (i) the admission of students to the University and their enrolment as such;
- (ii) the courses of study to be laid down for the degrees, diplomas and certificates of the University;
- (iii) the degrees, diplomas, certificates and other academic distinctions;
- (iv) the fees to be charged for various courses, examinations, degrees and diplomas of the University;
- (v) the conditions for the award of fellowships, scholarships, studentships, medals and prizes;
- (vi) the conduct of examinations, including the terms of office, manner of appointment and the duties of the examining bodies, examiners and moderators;
- (vii) the conditions of hostel facilities for students in the University;
- (viii) taking disciplinary action against the students of the University;
- (ix) the creation, composition and functions of any other body, which is considered necessary for improving the academic standard of the University;
- (x) the manner of co-operation and collaboration with Universities and institutions; and
- (xi) any other matter which by this Act or the statutes made thereunder are required to be provided by the ordinances.

(4) After the approval of the Chancellor, the ordinances of the University shall be submitted to the State Government for its approval.

(5) The State Government shall consider the ordinances submitted by the University and shall give its approval without or with such modifications, if any, as it may deem necessary and return the same to the University.

(6) The University shall, with the approval of the Governing Body, communicate its concurrence to the ordinances as approved by the State Government and if it desires not to give effect to any or all of the modifications made by the State Government, it may give reasons thereof.

(7) After the ordinances are finally approved by the State Government, these shall be published in the Official Gazette of the University.

(8) The ordinances so made, shall not be amended without the approval of the State Government.

28. (1) The Governing Body may, from time to time, make regulations or may amend or repeal the same. Power to make regulations.

(2) Every regulation or any amendment made therein or repeal thereof, shall require the approval of the Chancellor.

(3) After the approval of the Chancellor, the regulations of the University shall be submitted to the State Government for its approval.

(4) The State Government shall consider the regulations submitted by the University and shall give its approval without or with such modifications, if any, as it may deem necessary and forward the same to the University.

(5) The University shall, with the approval of the Governing Body, communicate its concurrence to the regulations as approved by the State Government and if it desires not to give effect to any or all of the modifications made by the State Government, it may give reasons thereof.

(6) After the regulations are finally approved by the State Government, these shall be published in the Official Gazette of the University.

(7) The regulations so made, shall not be amended without the approval of the State Government.

29. (1) The University shall be prohibited from conferring any degrees, not recognized by the University Grants Commission or its equivalent body constituted by the Central Government. University to follow rules, regulations etc. of the regulating bodies.

(2) It shall be mandatory for the University to follow the University Grants Commission (Establishment and Maintenance of Standards in Private Universities) Regulations, 2003, or any other regulations made for private Universities by the University Grants Commission or other regulatory bodies.

30. (1) The University shall have General Fund to which shall be credited - General Fund.

(a) fees and other charges received by the University;

- (b) any income received from consultancy and other work undertaken by the University; and
- (c) funds and grants received from any source by the University for research projects from any Government and Non-Governmental funding agencies.

(2) The General Fund shall be utilized for the following purposes, namely:-

- (a) for the repayment of the debts including interest charges thereto incurred by the University;
- (b) for the upkeep of the assets of the University;
- (c) for the payment of the cost of audit of the fund;
- (d) for meeting the expenses of any suit or proceedings;
- (e) for the payment of salaries and allowances to the officers and employees of the University and for the payment of any benefits to any such officer and employee;
- (f) for the payment of travelling and other allowances to the members of the authorities, committee or Board of the University;
- (g) for the payment of fellowships, scholarships, assistantships and other awards to students belonging to economically weaker sections of the society or research associates or trainees, as the case may be, or to any student eligible for such awards;
- (h) for the payment of any expenses incurred by the University;
- (i) for acquisition of land or any kind of development work or likewise activities for the purpose of the University;
- (j) for the payment of cost of capital and repayment of loans incurred by the Society for setting up and running the University and the investments made therefor;
- (k) for the payment of charges and expenditure relating to the consultancy work undertaken by the University; and
- (l) for the payment of any expenditure, salaries, taxes, liabilities by the Society for or on behalf of the University.

Annual report.

31. The accounts of the income and expenditure of the University shall be audited by the Chartered Accountant of the University and the same shall be submitted once in a year by the Chief Finance and Accounts Officer to the

Governing Body for its approval.

32. The University shall prepare and publish a semester-wise or annual, as the case may be, tentative schedule of Examinations including academic activities to be conducted by the University in the beginning of each academic session, but not later than the 30th day of August in a calendar year. Examination.

Explanation :- 'Schedule of Examinations' means the time table giving details about the time, day and date of the commencement of each paper which is part of the scheme of examinations including the details of practical examinations and *viva-voce*, if any.

33. (1) The University shall strive to declare the results of examinations conducted by it within a period of forty five days from the last date of the examination of particular course but, in any case, not later than sixty days from the said date. Declaration of results.

(2) No examination or the result of an examination shall be held invalid only for the reason that the University has not followed the schedule of Examinations.

34. The convocation of the University shall be held in every academic year for conferring degrees, diplomas, certificates or any other academic distinction or for any other purpose in the manner, as may be prescribed. Convocation.

35. If any dispute arises with respect to the appointment or entitlement of any person, to be a member of any authority or other body of the University, the same shall be referred to the Chancellor, whose decision thereon shall be final and binding. Disputes concerning authorities and bodies.

36. If any difficulty arises in giving effect to any of the provisions of this Act, the State Government may, in consultation with the Chancellor, by an order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as it may deem necessary for removing such difficulty: Power to remove difficulties.

Provided that no such order shall be made under this section after the expiry of a period of two years from the date of commencement of this Act.

37. No suit or other legal proceeding shall lie against any officer or employee of the University for anything which is done in good faith or intended to be done in pursuance of the provisions of this Act or the statutes, ordinances or regulations. Protection of action taken in good faith.

38. Notwithstanding anything contained in this Act and the statutes, ordinances or regulations made thereunder, the Society may, subject to the Transitory provisions.

availability of the funds, discharge all or any of the functions of the University for the purposes of carrying out the provisions of this Act or the statutes, ordinances and regulations and for that purpose, may exercise such powers and perform such duties, which by this Act or by such statutes, ordinances and regulations, are to be exercised or performed by any authority or officer of the University, until such authority comes into existence or officer is appointed.

**STATEMENT OF OBJECTS AND REASONS**

As the Punjab Private Universities Policy - 2010 has been formulated to provide greater access and to ensure quality in higher education, the Government of Punjab wishes to allow the establishment of self financed private universities to supplement the efforts of the State Universities. The object of CT University is to impart comprehensive education at all levels to achieve excellence and to promote research and teaching in areas of Education, Engineering and Technology, Languages, Laws, Life Sciences and other courses under the general heads of the Arts and Humanities, Social Sciences.

2. As the establishment of such private self financed universities requires a broad uniform set of guidelines for ensuring academic standards prevention of commercialization and mismanagement etc., it deemed, therefore, expedient to provide for promulgation of 'The CT University Bill-2016'.

**Sd/-**  
**(SURJIT SINGH RAKHRA),**  
Higher Education Minister, Punjab.

2324 PUNJAB GOVT. GAZ. (EXTRA), DECEMBER 19, 2016  
(AGHN 28, 1938 SAKA)

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**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Section 26, 27 and 28 of the CT University, Bill - 2016 various authorities of the said CT University to make statutes, ordinances and regulations respectively for carrying out the purposes of the Act. The powers sought are necessary for the proper implementation of the provisions of the Act.

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Chandigarh  
The 19th December, 2016

**SHASHI LAKHANPAL MISHRA**  
Secretary.

*1161/12-2016/Pb. Govt. Press, S.A.S. Nagar*





# **Punjab Government Gazette**

## **EXTRAORDINARY**

***Published by Authority***

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CHANDIGARH, MONDAY, DECEMBER 19, 2016  
(AGRAHAYANA 28, 1938 SAKA)

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**PUNJAB VIDHAN SABHA SECRETARIAT**

### **NOTIFICATION**

The 19th December, 2016

**No. 55-PLA-2016/307.**-The Punjab Ad hoc, Contractual, Daily Wage, Temporary, Work Charged and Outsourced Employees' Welfare Bill, 2016 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No. 55-PLA-2016

**THE PUNJAB AD HOC, CONTRACTUAL, DAILY WAGE,  
TEMPORARY, WORK CHARGED AND OUTSOURCED  
EMPLOYEES' WELFARE BILL, 2016**

A  
BILL

to provide for the regularisation of services of Group 'A', 'B', 'C' and 'D' employees working on ad hoc, contractual, daily wage, temporary and work charged basis under the State Government or its entities and further to take on contract basis, the out sourced employees working under the State Government or its entities.

BE it enacted by the Legislature of the State of Punjab in the Sixty-

( 2325 )

seventh Year of the Republic of India as follows: -

Short title and  
commencement.

1. (1) This Act may be called the Punjab Ad hoc, Contractual, Daily Wage, Temporary, Work Charged and Outsourced Employees' Welfare Act, 2016.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

Definitions.

2. In this Act, unless the context otherwise requires,-

(a) 'Government' means the Government of the State of Punjab in the Department of Personnel;

(b) 'outsourced employee' means an employee taken on the roll of the State Government or its entities through a private manpower agency for performing duties assigned to him from time to time;

(c) 'service rules' means all relevant, general and specific rules governing recruitment to the services of the State Government or its entities;

(d) 'State Government' means the Government of the State of Punjab in the concerned Department or entity of the State in which the employee is serving; and

(e) 'year' means a period of twelve calendar months preceding the date of commencement of this Act.

Regularisation of  
services of Group  
'A', 'B' and 'C'  
employees.

3. (1) Notwithstanding anything contrary contained in any law, judgment, decree or order of any court, tribunal or any other authority, services of such Group 'A', 'B' and 'C' employees, who are working on ad hoc, contractual, daily wage, temporary or work charged basis under the State Government or its entities for a continuous period of not less than three years preceding the date of coming into force of this Act shall be regularised by the competent authority in such service of the State Government or its entities, subject to the following conditions, namely:-

(a) fulfil the eligibility with regard to minimum and maximum age limit;

(b) possess requisite educational qualification and experience as specified for the post under the service rules at the time of initial appointment;

(c) initial appointment was made by following transparent process;

- (d) satisfactory verification of antecedents;
- (e) have good character and conduct; and
- (f) have not been indicted or undergoing any civil, criminal or departmental proceedings:

Provided that the entities of the State shall consider regularization only if such entity is in a financial position to take the burden of such regularization on its own without transferring any liability to the State exchequer.

(2) During the probation period, the person regularised under this section shall be entitled to draw salary at the minimum of the Pay Band applicable to the post against which his services have been regularised in Group 'A', 'B' or 'C' services, as the case may be, or actual remuneration being received at the time of regularization, whichever is more.

4. (1) Notwithstanding anything contrary contained in any law, judgment, decree or order of any court, tribunal or any other authority, services of such Group 'D' employees, who are working on ad hoc, contractual, daily wage, temporary or work charged basis under the State Government or its entities for a continuous period of not less than three years preceding the date of coming into force of this Act shall be regularised by the competent authority in such service of the State Government or its entities, subject to the following conditions, namely:-

Regularisation of  
services of Group  
'D' employees.

- (a) fulfil the eligibility with regard to minimum and maximum age limit;
- (b) possess requisite educational qualification and experience as specified for the post under the service rules at the time of initial appointment;
- (c) satisfactory verification of antecedents;
- (d) have good character and conduct; and
- (e) have not been indicted or undergoing any civil, criminal or departmental proceedings:

Provided that the entities of the State shall consider regularization only if such entity is in a financial position to take the burden of such regularization on its own without transferring any liability to the State exchequer.

(2) During the probation period, a person regularised under this section

shall be entitled to draw salary at the minimum of the Pay Band applicable to the post against which his services have been regularised in Group 'D' service, or actual remuneration being received at the time of regularization, whichever is more.

Pay protection of previously regularised employees. 5. If the emoluments of employees who were regularised prior to coming into force of this Act have decreased after regularization, they shall also get the benefit of pay protection.

Outsourced employees. 6. The outsourced employees recruited through private man power agency in the service of the State Government or its entities and working for a continuous period of not less than three years preceding the date of coming into force of this Act shall be taken on contract on yearly basis by the competent authority in such service of the State Government or its entities, subject to the following conditions, namely:-

- (a) fulfil the eligibility with regard to minimum and maximum age limit;
- (b) possess requisite educational qualification and experience as specified for the post under the service rules at the time of initial appointment;
- (c) satisfactory verification of antecedents;
- (d) have good character and conduct; and
- (e) have not been indicted or undergoing any civil, criminal or departmental proceedings:

Provided that the entities of the State shall consider such contracts only if such entity is in a financial position to take the burden of such contract on its own without transferring any liability to the State exchequer.

(2) Persons taken on contract under this section shall be entitled to draw the same salary as was being paid to him by the private manpower agency.

Creation of posts. 7. Necessary number of category-wise posts in the services of the State Government and its entities equal to the number of the persons to be regularised shall be deemed to have been created in excess of the already existing sanctioned posts in the cadre to which they are inducted:

Provided that such deemed to have been created posts in excess of the already existing sanctioned posts shall be posts personal to the incumbent

and shall stand abolished on vacation of post by the incumbent.

8. (1) The seniority of the employees governed by this Act shall be fixed below the junior most employee in the relevant cadre on the date of coming into force of this Act. Seniority.

(2) The inter-se seniority of the employees whose appointments are so governed under this Act shall be determined as per provisions of the Punjab Civil Services (General and Common Conditions of Service) Rules, 1994.

9. Consequent upon the regularization of services under sections 3 and 4 of this Act, the backlog of posts meant for various reserved categories shall be calculated and filled up on priority basis by way of direct recruitment as and when any vacancy arises. Reservation.

10. (1) The employees covered under this Act shall be governed by the conditions of service as are applicable to the employees in the respective cadre in which they stand appointed. Applicability of rules.

(2) The Punjab Civil Services (Punishment and Appeal) Rules, 1970, as are applicable to other employees of the cadre, shall apply mutatis mutandis to these employees.

11. No suit, prosecution or other legal proceedings shall lie against the officers of the State Government or its entities for anything done in good faith under this Act. Protection of action taken in good faith.

12. No Court or Tribunal shall have jurisdiction to entertain any suit or proceeding in respect of any claim for absorption or continuation arising from the provisions of this Act. Civil court not to have jurisdiction.

13. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by general or special order, make such provisions as it appears to it to be necessary or expedient to remove such difficulty. Power to remove difficulty.

14. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. Power to make rules.

(2) The State Government shall notify rules with regard to the procedure, seniority and parity of persons working in the entities of the State Government in Group 'A', 'B', 'C' and 'D' services in the State and other residual matters.

(3) Every rule made under this Act shall be laid, as soon as may be,

after it is made, before the House of the State Legislature, while it is in session, for a total period of ten days, which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the successive sessions as aforesaid, the House agrees in making any modification in the rules or the House agrees, that the rules should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be. However, any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

**STATEMENT OF OBJECTS AND REASONS**

With a view to ensure the welfare of Group A, B, C and D employees working on ad hoc, contractual, daily wage, temporary and work-charged basis in the State Government or its entities, it has been decided to regularise their services and further to take on contract basis, the outsourced employees. In view of above, it is proposed to achieve above said objects through an Act.

2. The Bill seeks to achieve the above objects.

**PARKASH SINGH BADAL,**  
Chief Minister, Punjab.

**FINANCIAL MEMORANDUM**

The Punjab Ad hoc, contractual, Daily Wage, Temporary, Work Charged and outsourced employees' Welfare Bill, 2016, aims to regularise services of employees and further to take on contract the outsourced employees also. This Bill involves financial implications and it is estimated that the annual financial implication will be approximately Rs. 583 crores and the total liability for the first 3 years would be around Rs. 1749 crores on account of regularising the services of group-A, B, C & D employees in Government and its entities.

After 3 years, these employees will be given the regular pay scale and the annual financial liability in the first year would be Rs. 2438 crore assuming by that time the recommendations of the 6th Pay Commission will come and will be accepted by the Government. In case, the recommendations are not implemented, the annual liability after 3 years would be around Rs. 1900 crore. Taking an annual growth in the salary expenditure @ 10%, the annual financial implications at the end of the 5th year would be Rs. 3600 crore.

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**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Section 14 of the Punjab Ad Hoc, Contractual, Daily Wage, Temporary, Work Charged and Outsourced employee's Welfare Bill, 2016 empowers to the State Government to make rules to carry out the purposes of this Act. The powers sought are necessary for the proper implementation of the provisions of the Act and are normal in nature.

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The Governor has, in pursuance of clause (1) and (3) of Article 207 of the Constitution of India, recommended to the Punjab Legislative Assembly, the introduction and consideration of the Bill.

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Chandigarh  
The 19th December, 2016

**SHASHI LAKHANPAL MISHRA**  
Secretary.





# Punjab Government Gazette

## EXTRAORDINARY

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**PUNJAB VIDHAN SABHA SECRETARIAT**

### NOTIFICATION

The 19th December, 2016

**No. 56-PLA-2016/303.**-The Punjab Regulation of Fee of Unaided Educational Institutions Bill, 2016 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No. 56-PLA-2016

### **THE PUNJAB REGULATION OF FEE OF UNAIDED EDUCATIONAL INSTITUTIONS BILL, 2016**

A  
BILL

to provide for the constitution of Regulatory Body with a view to provide a mechanism for the purpose of regulating fee of un-aided educational institutions in the State of Punjab and for the matters connected therewith or incidental thereto.

BE it enacted by the Legislature of the State of Punjab in the Sixty-seventh Year of the Republic of India as follows: -

1. (1) This Act may be called the Punjab Regulation of fee of Un-aided Educational Institutions Act, 2016. Short title and commencement.

( 2333 )

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

Definitions.

2. In this Act, unless the context otherwise requires,-

- (a) 'academic year' means a period of twelve months prescribed as such, and different academic years may be prescribed for different classes of institutions;
- (b) 'affiliation' means inclusion of the name of an institution in the approved list of affiliated institutions with the Punjab School Education Board or any other such board or authority, approved and authorized by the Central Government for admitting it to the privileges of the said board or authority;
- (c) 'appropriate authority' means,-
  - (i) in the case of an unaided educational institution recognized or to be recognized by an authority, authorized by the State Government, that authority; and
  - (ii) in the case of an unaided educational institution recognized or to be recognized by an authority, authorized by the Central Government, that authority;
- (d) 'Regulatory Body' means the Regulatory Body, constituted under section 3;
- (e) 'complaint' means an allegation made in writing to the Regulatory Body by a student studying in an Unaided Educational Institution or by his parents or guardians, as the case may be, containing a grievance of charging excessive fee or of doing or asking to do any other activity with a motive to gain financial benefit or profit by the Unaided Educational Institution;
- (f) 'commercialization or profiteering or profit or financial gain' means an activity of charging fee by an Un-aided Educational Institution from any student or parents or guardians in excess of the fee, as fixed or increased under section 5;
- (g) 'fee' means any amount by whatever name it may be called, which is charged directly or indirectly by an Unaided Educational Institution for admission of a student for education to any standard of course of Study;
- (h) 'Fund' means the Unaided Educational Institution Development Fund constituted under section 9;

- (i) 'Government' means the Government of the State of Punjab in the Department of School Education;
- (j) 'local authority' means a Municipal Corporation, Municipal Committee, Notified Area Committee, Town Improvement Trust, Panchayat Samiti or Gram Panchayat or any other authority entrusted with their functions under any law for the time being in force;
- (k) 'minority institution' means an educational institution established and administered by a minority whether based on religion or language having the right to do so under clause (1) of article 30 of the Constitution of India;
- (l) 'prescribed' means prescribed by rules made under this Act by the Government;
- (m) 'section' means section of this Act; and
- (n) 'Unaided Educational Institution' means an affiliated private school, established and administered by any person or body of persons, imparting education up to 10+2 level including a minority institution which does not receive any aid from the Government, but does not include,-
  - (i) an aided school; and
  - (ii) a school established and administered or maintained by the Central Government or State Government or any local authority.

3. (1) There shall be constituted a Regulatory Body to be known as the Regulatory Body for Regulating Fee of Un-aided Educational Institutions at the Divisional Level in the State of Punjab to exercise the powers conferred upon and perform the functions assigned to it under this Act.

- (2) The Regulatory Body shall consist of the following, namely:-
- (a) Divisional Commissioner of the concerned division; Chair-person
  - (b) Circle Education Officer of the concerned division; Member-Secretary
  - (c) District Education Officer (Secondary Education) posted at the concerned Headquarter of the division; Member

- |     |  |                   |
|-----|--|-------------------|
| (d) | District Education Officer (Elementary Education) posted at the concerned Headquarter of the division;   | Member            |
| (e) | Two members, to be nominated by the Government from amongst the eminent educationists of the concerned division;   | Nominated members |
| (f) | One member, to be nominated by the Divisional Commissioner from amongst the Deputy Controllers (Finance and Accounts) or Assistant Controllers (Finance and Accounts) working in the concerned division. | Nominated members |

(3) The nominated members referred to in sub-section (2), shall be paid such remuneration and travelling allowance for attending the meeting of the Regulatory Body, as may be prescribed.

Headquarter of the Regulatory Body.

4. The office of the Regulatory Body shall be located at the Headquarter of the concerned Division.

Power to fix and increase fee.

5. An Unaided Educational Institution shall be competent to fix its fee and it may also increase the same after taking into account the need to generate funds to run the institution and to provide facilities necessary for the benefit of the students:

Provided that while fixing or increasing fee, the factors mentioned in sub-section (1) of section 6, shall be kept in view by the Unaided Educational Institution:

Provided further that increase in fee shall not exceed eight per cent of the fee of the previous year, charged by the Unaided Educational Institution.

Provided further that while fixing or increasing fee, an Unaided Educational Institution cannot indulge in profiteering and it cannot charge capitation fee.

Factors to be taken into consideration for fixing or increasing fee.

6. (1) For fixing or increasing fee structure by an unaided educational institution, the following factors shall be kept in view, namely:-

- (a) the infrastructure and facilities available or to be made available in the Unaided Educational Institution;
- (b) the investment made and salaries paid to the teachers and staff; and
- (c) future plans for expansion and betterment of institution, subject

however, to the restrictions of non-profiteering and non-charging of capitation fee.

(2) The fee fixed under sub-section (1), shall be displayed by every Unaided Educational Institution at the conspicuous place in the School premises.

(3) The Unaided Educational Institution shall also ensure that the fee or funds charged by it from the parents or guardians, are not diverted from such institution to the society or the trust, as the case may be, which runs such institution or to any other institution, except as permissible under sub-section (4) of section 10.

7. Subject to the provisions of this Act, the Regulatory Body shall exercise the powers and discharge the functions as mentioned below:-

Powers and  
functions of the  
Regulatory Body.

- (a) to hear complaints from the students or their parents or guardians with regard to the charging of excessive fee or for doing or asking to do any other activity with a motive to gain financial benefit or profit in contravention of the provisions of this Act by any Unaided Educational Institution;
- (b) to ensure that the Unaided Educational Institutions are not indulging in commercialization of education;
- (c) to check that the fee structure is being kept within the limits as provided under this Act so as to avoid profiteering;
- (d) to strike a balance between autonomy of an Unaided Educational Institution, and measures to be taken in avoiding commercialization of education;
- (e) to check excessive hike in fee by an Unaided Educational Institution with the motive to earn profit;
- (f) to ensure that increase in the fee undertaken by an Un-aided Educational Institution is justified and necessitated by the circumstances like increase in expenditure or because of needed developmental activities, and does not result into profiteering; and
- (g) to check that funds charged from the students are not diverted to any other purpose, except as permissible under sub-section (4) of section 10.

8. Notwithstanding anything contained in this Act, the Regulatory Body may, if on information is satisfied that an Un-aided Educational Institution has contravened or is contravening any of the provisions of this Act, it may call for the relevant record of such Unaided Educational Institution in order to verify the information.

Jurisdiction of  
the Regulatory  
Body.

Constitution of fund.	<p>9. (1) Every Unaided Educational Institution shall constitute a Fund, to be called the Unaided Educational Institution Development Fund.</p> <p>(2) The following shall be credited to the Fund, namely:-</p> <ul style="list-style-type: none"><li>(a) fee;</li><li>(b) charge;</li><li>(c) funds;</li><li>(d) any other charge or sum, which may be realized by the Unaided Educational Institution for any purpose; and</li><li>(e) any contributions, endowments or gifts received by the Unaided Educational Institution.</li></ul>
Utilization of Fund.	<p>10. (1) The Fund shall be utilized for the betterment and development of the concerned Unaided Educational Institution.</p> <p>(2) The Fund or any profit accrued therefrom shall not be used for any personal gains or business or enterprise by the Un-aided Educational Institution.</p> <p>(3) The Fund can be used by the Un-aided Educational Institution for the activities, which are beneficial to the students.</p> <p>(4) No amount whatsoever shall be diverted from the Fund by the Unaided Educational Institution to the Society or the Trust or any other institution, except under the management of the same Society or Trust.</p>
Complaint.	<p>11. (1) Any student studying in an Unaided Educational Institution or his parents or guardians, as the case may be, may make complaint to the Regulatory Body with regard to any excessive fee or charge being charged or for doing or asking to do any other activities with a motive to gain financial benefit or profit by the said institution.</p> <p>(2) The complaint referred to in sub-section (1), shall be accompanied by a self attested affidavit disclosing particulars of the concerned Un-aided Educational Institution alongwith the name and address of the complainant.</p> <p>(3) Any complaint received under this Act, shall be scrutinized by the Regulatory Body within a period of fifteen days from the date of its receipt in accordance with the prescribed procedure, and it shall be finally decided within sixty days.</p> <p>(4) If after scrutinizing a complaint under sub-section (3), the Regulatory Body finds any substance in it, the Regulatory Body shall give an opportunity of being heard to the concerned Un-aided Educational Institution before taking any final decision on such complaint.</p>

12. The Regulatory Body shall, for the purpose of any enquiry under this Act, have the same powers as are vested in a civil court while trying a suit under the Code of Civil Procedure, 1908 in respect of the following matters, namely;-

Power to  
summon  
witnesses and  
take evidence.

- (a) enforcing the attendance of any person or examining him on oath;
- (b) requiring the discovery and production of documents;
- (c) receiving evidence on oath by way of affidavits; and
- (d) issuing commission for the examination of witnesses.

13. (1) The Regulatory Body shall meet at such time and place as the Chairperson may decide.

Procedure to be  
followed by the  
Regulatory Body.

(2) The Regulatory Body shall follow such procedure of working, as may be prescribed

(3) All orders and decisions of the Regulatory Body shall be authenticated by the Member- Secretary or any other officer, authorized by him.

14. (1) If any Un-aided Educational Institution contravenes the provisions of this Act or the rules made thereunder, it shall be punishable with fine, which may extend to thirty thousand rupees in the case of an Un-aided Educational Institution of Primary Level, rupees fifty thousand in the case of an Un-aided Educational Institution of Middle Level, and rupees one lac in the case of an Un-aided Educational Institution of Secondary and Senior Secondary Level for each contravention.

Penalties.

(2) If an Un-aided Educational Institution contravenes the provisions of this Act or the rules made thereunder for the second time, it shall be punishable with fine, which shall be sixty thousand rupees in the case of an Un-aided Educational Institution of Primary Level, rupees one lac in the case of an Un-aided Educational Institution of Middle level, and rupees two lac in the case of an Un-aided Educational Institution of Secondary and Senior Secondary Level for each contravention.

(3) If an Un-aided Educational Institution contravenes the provisions of this Act or the rules made thereunder for the third time, then besides imposing penalty as mentioned in sub-section (2), the Regulatory Body shall direct the concerned authority to withdraw recognition or affiliation of such Un-aided Educational Institution.

(4) The Regulatory Body may direct the Un-Aided Educational Institution to refund the fee in excess of the fee as displayed by such institution.

Appeal.	15. Any person or Un-aided Educational Institution aggrieved by any direction or order passed under this Act, may file an appeal to the Government within a period of forty five days from the date of passing of such order or direction.
Bar of jurisdiction of civil courts.	16. No civil court shall have jurisdiction to settle, decide or deal with any question or to determine any matter, which is by or under this Act is required to be settled, decided or determined by the Regulatory Body.
Protection of actions taken in good faith.	17. No suit, prosecution or other legal proceedings shall lie against the Chairperson or any member of the Regulatory Body or any officer or other employee or any person acting under the direction either of the Government or of the Regulatory Body, in respect of anything, which is in good faith done or intended to be done in pursuance of the provisions of this Act or the rules or orders made thereunder.
Accounts and audit.	18. (1) Every Unaided Educational Institution shall maintain proper accounts of fee and charges, and also maintain other relevant record and prepare annual statement of accounts in such form, as may be prescribed. (2) The accounts maintained under sub-section (1), shall be audited by a qualified Chartered Accountant.
Annual report.	19. Every Un-aided Educational Institution shall prepare, in such form and at such time for each academic year, as may be prescribed, its annual report by a qualified Chartered Accountant giving full account of its fees, received during the previous academic year, and forward a copy thereof to the Regulatory Body.
Staff of the Regulatory Body.	20. The Government in consultation with the Chairperson shall provide such officers and employees, as may be decided by it to discharge the functions of the Regulatory Body under this Act.
Power to remove difficulties.	21. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order in writing, make such provision including any adaptation or modification of any provision of this Act, as appears to it, to be necessary or expedient for the purpose of removing the difficulty.
Power to issue directions.	22. The Government may, from time to time, issue such directions to the Regulatory Body, as it may deem fit, for giving effect to the provisions of this Act and it shall be the duty of the Regulatory Body to comply with such directions.
Power to make rules.	23. (1) The Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.



(2) Every rule made under this Act shall be laid as soon as may be, after it is made, before the House of the State Legislature while it is in session for a total period of ten days, which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the successive sessions as aforesaid, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter, have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

**STATEMENT OF OBJECTS AND REASONS**

In the State of Punjab, excessive fees are being charged by the private Unaided Educational Institutions from the students. Therefore, with a view to decrease the excessive financial burden on the parents of the students, the Hon'ble Punjab & Haryana High Court vide its order dated 09-04-2013 passed in CWP 20545 of 2009 - Anti Corruption and Crime Investigation Cell Vs. State of Punjab & Others has given directions to establish a Regulatory Body/ Mechanism to regulate the fees of these Institutions in order to secure the right to education as envisaged under article 41 of the Constitution of India.

At present, there is no law in the State of Punjab to regulate the fees of the afore-said Institutions. Therefore, in order to comply with the said orders/ directions of the Hon'ble Punjab & Haryana High Court, the Punjab State Regulatory Body is being established in the State of Punjab by enacting a law in the public interest.

Hence THE PUNJAB REGULATION OF FEE OF UNAIDED EDUCATIONAL INSTITUTIONS BILL, 2016, is being introduced in the Hon'ble House.

**DALJIT SINGH CHEEMA,**  
Minister for Education,  
Punjab.

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**FINANCIAL MEMORANDUM**

There are remuneration and travelling allowance to nominated members for attending the meeting of the Regulatory Body as may prescribed in the Regulatory Authority/Mechanism in the State of Punjab. Budget provides for the financial year 2016-17 and so on THE PUNJAB REGULATION OF FEE OF UNAIDED EDUCATIONAL INSTITUTIONS BILL, 2016

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**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Section 23 of the THE PUNJAB REGULATION OF FEE OF UNAIDED EDUCATIONAL INSTITUTIONS BILL, 2016 empowers to the State Government to make rules to carry out the purposes of this Act. The powers sought are necessary for the proper implementation of the provisions of the Act and are normal in nature.

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The Governor has, in pursuance of clause (1) and (3) of Article 207 of the Constitution of India, recommended to the Punjab Legislative Assembly, the introduction and consideration of the Bill.

Chandigarh  
The 19th December, 2016

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**SHASHI LAKHANPAL MISHRA**  
Secretary.



# **Punjab Government Gazette**

## **EXTRAORDINARY**

**Published by Authority**

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CHANDIGARH, MONDAY, DECEMBER 19, 2016  
(AGRAHAYANA 28, 1938 SAKA)

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**PUNJAB VIDHAN SABHA SECRETARIAT**

### **NOTIFICATION**

The 19th December, 2016

**No. 57-PLA-2016/302.-**The Punjab School Education Board (Amendment) Bill, 2016 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No. 57-PLA-2016

### **THE PUNJAB SCHOOL EDUCATION BOARD (AMENDMENT) BILL, 2016**

A  
BILL

further to amend the Punjab School Education Board Act, 1969.

BE it enacted by the Legislature of the State of Punjab in the Sixty-seventh Year of the Republic of India as follows :-

1. (1) This Act may be called the Punjab School Education Board (Amendment) Act, 2016. Short title and commencement.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

- Amendment in section 2 of Punjab Act 24 of 1969.
2. In the Punjab School Education Board Act, 1969 (hereinafter referred to as the principal Act), in section 2, after clause (j), the following clause shall be inserted, namely :-
- "(jj) "Senior Vice-Chairman" means the Senior Vice-Chairman of the Board;"
- Amendment in section 4 of Punjab Act 24 of 1969.
3. In the principal Act, in section 4,-
- (a) in sub-section (1), for the words and sign "Chairman, Vice-Chairman", the words and signs "Chairman, Senior Vice-Chairman, Vice-Chairman" shall be substituted;
  - (b) in sub-section (2) for the words "The Chairman and the Vice-Chairman", the words and sign "The Chairman, the Senior Vice-Chairman and the Vice-Chairman" shall be substituted; and
  - (c) in sub-section (4) for the words "The Chairman and Vice-Chairman", the words and sign "The Chairman, the Senior Vice-Chairman and Vice-Chairman" shall be substituted.
- Amendment in section 5 of Punjab Act 24 of 1969.
4. In the principal Act, in section 5,-
- (a) (i) in the margin, for the words and sign "Chairman, Vice-Chairman", the words and signs "Chairman, Senior Vice-Chairman, Vice-Chairman" shall be substituted;
  - (ii) in sub-section (1), for the words "Chairman and Vice-Chairman", the words and sign "Chairman, Senior Vice-Chairman and Vice Chairman" shall be substituted; and
  - (iii) in the second proviso to sub-section (1), for the words "Chairman or Vice-Chairman", the words "Chairman or Senior Vice-Chairman or Vice-Chairman" shall be substituted; and
  - (b) in sub-section (3), for the words "Chairman or Vice-Chairman", the words "Chairman or Senior Vice-Chairman or Vice-Chairman" shall be substituted.
- Amendment in section 6 of Punjab Act 24 of 1969.
5. In the principal Act, in section 6,-
- (a) in the margin, for the words "Chairman and Vice-Chairman", the words and sign "Chairman, Senior Vice-Chairman and Vice-Chairman" shall be substituted;
  - (b) for the words "Chairman or Vice-Chairman" wherever occurring, the words "Chairman or Senior Vice-Chairman or Vice-Chairman" shall be substituted; and

- (c) for clause (a) the following clause shall be substituted, namely:-  
"(a) he has served the Central Government or State Government or both as Member of the Indian Administrative Services of Punjab Civil Services for a period of not less than ten years;"
6. In the principal Act, in sections 10 and 10-A, for the words "Chairman and Vice-Chairman" wherever occurring, the words and sign "Chairman, Senior Vice-Chairman and Vice-Chairman" shall be substituted. Amendment in section 10 and 10-A of Punjab Act 24 of 1969.
7. In the principal Act, in section 12,- Amendment in section 12 of Punjab Act 24 of 1969.
- (i) in sub-section (1), for the words "Chairman or in his absence the Vice-Chairman", the words and signs "Chairman, and in his absence, the Senior Vice-Chairman, and in his absence, the Vice-Chairman" shall be substituted;
- (ii) in sub-section (2), for the words "Chairman, and in his absence the Vice-Chairman," the words and signs "Chairman, and in his absence, the Senior Vice-Chairman, and in his absence, the Vice-Chairman," shall be substituted; and
- (iii) in sub-section (3), in the proviso, for the words and sign "Chairman, or the Vice-Chairman", the words and sign "Chairman, the Senior Vice-Chairman or the Vice-Chairman, as the case may be," shall be substituted.
8. In the principal Act, in section 13, after clause (a), the following clause shall be inserted, namely:- Amendment in section 13 of Punjab Act 24 of 1969.
- "(aa) the Senior Vice-Chairman;"
9. In the principal Act, in section 14,- Amendment in section 14 of Punjab Act 24 of 1969.
- (a) in the margin, for the words "Chairman and Vice-Chairman", the words and sign "Chairman, Senior Vice-Chairman and Vice-Chairman" shall be substituted; and
- (b) for sub-section (4), the following sub-section shall be substituted, namely:-
- "(4) The Senior Vice-Chairman and Vice-Chairman shall assist the Chairman in all matters, administrative and academic, shall discharge such duties and exercise such powers as may be delegated to them by the Chairman, and shall in the latter's absence, the Senior Vice-Chairman, and in his absence, the Vice-Chairman, exercise the powers of the Chairman."

Amendment in  
section 18 of  
Punjab Act 24 of  
1969.

10. In the principal Act, in section 18, in sub-section (1),-
- (a) in clause (a), after sub-clause (i), the following sub-clause shall be inserted, namely :-  
"(i-a) the Senior Vice-Chairman;"
  - (b) in clause (b), after sub-clause (i), the following sub-clause shall be inserted, namely :-  
"(i-a) the Senior Vice-Chairman;" and
  - (c) in clause (c), after sub-clause (i), the following sub-clause shall be inserted, namely:-  
"(i-a) the Senior Vice-Chairman;"

Amendment in  
section 21 of  
Punjab Act 24 of  
1969.

11. In the principal Act, in section 21, in sub-section (3), in clause (a), for the words "Chairman and the Vice-Chairman", the words and sign "Chairman, the Senior Vice-Chairman and the Vice-Chairman" shall be substituted.



**STATEMENT OF OBJECTS AND REASONS**

In view of the existing provision in section 6 (a) of the Punjab School Education Board, Act 1969 Chairman or Vice Chairman of the Punjab School Education Board can be appointed amongst that person who has served the Center Govt. or State Govt. or both on gazette post not less than fifteen years from Administrative point of view The State Government has decided that provision may be made to enable the State Government to appoint Senior Vice Chairman in the Punjab School Education Board for the smooth functioning of the Board and to facilitate better public interface. Accordingly, the present Bill, i.e. the Punjab School Education Board (Amendment) Bill, 2016, aims to make suitable amendments in the Punjab School Education Board Act, 1969 it has been considered appropriate to fill the post of Chairman, Senior Vice Chairman or Vice Chairman who has served the Central Government or State Government or both as member of the Indian Administrative Services or Punjab Civil Service for a period of not less than ten years.

Hence the Punjab School Education Board, Act 1969 (Amendment 2016) is being introduced in the Hon'ble House.

**DALJIT SINGH CHEEMA,**  
Minister for Education,  
Punjab.

**FINANCIAL MEMORANDUM**

The State Government has decided that provision may be made to enable the State Government to appoint Senior Vice Chairman in the Punjab School Education Board for the smooth functioning of the Board and to facilitate better public interface. Accordingly, the present Bill, i.e. the Punjab School Education Board (Amendment) Bill, 2016, aims to make suitable amendments in the Punjab School Education Board Act, 1969.

So far as financial implications thereof, the expenditure so incurred will be met out of the funds available with the Punjab School Education Board.

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The Governor has, in pursuance of clause (1) and (3) of Article 207 of the Constitution of India, recommended to the Punjab Legislative Assembly, the introduction and consideration of the Bill.

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Chandigarh  
The 19th December, 2016

**SHASHI LAKHANPAL MISHRA**  
Secretary.



# **Punjab Government Gazette**

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**PUNJAB VIDHAN SABHA SECRETARIAT**

### **NOTIFICATION**

The 19th December, 2016

**No. 58-PLA-2016/301.**-The Punjab Bhagwan Valmik Ji Tirath Sthal (Ram Tirath) Shrine Board Bill, 2016 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No. 58-PLA-2016

### **THE PUNJAB BHAGWAN VALMIK JI TIRATH STHAL (RAM TIRATH) SHRINE BOARD BILL, 2016**

A  
BILL

to provide for the better management, administration and governance of the Bhagwan Valmik Ji Tirath Sthal (Ram Tirath) Shrine and its endowments including the lands and buildings attached or appurtenant to the Shrine.

BE it enacted by the Legislature of the State of Punjab in the Sixty-seventh Year of the Republic of India as follows: -

1. (1) This Act may be called the Punjab Bhagwan Valmik Ji Tirath Sthal (Ram Tirath) Shrine Board Act, 2016. Short title and commencement.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

Definitions.

2. In this Act, unless the context otherwise requires,-

- (a) “Board” means the Punjab Bhagwan Valmik Ji Tirath Sthal (Ram Tirath) Shrine Board constituted under section 4 of this Act;
- (b) “endowment” means all property, movable or immovable, belonging to, or given or endowed for the maintenance, improvement, additions to, or worship in the Shrine or for the performance of any service or charity, connected therewith and includes the idols installed therein, the premises of the Shrine and gifts of property made to anyone within the precincts of the Shrine and lands and buildings attached, or appurtenant thereto;
- (c) “Government” means the Government of the State of Punjab in the Department of Tourism and Cultural Affairs;
- (d) “math” means a math as understood under Hindu Law;
- (e) “member” means a member of the Board constituted under section 4 of this Act and includes Chairman, Vice-Chairman and Member-Secretary;
- (f) “prescribed” means prescribed by rules made under this Act;
- (g) “pujari” means pujaris and includes such other person who performs or conducts puja or other rituals;
- (h) “Shrine” means the Bhagwan Valmik Ji Tirath Sthal (Ram Tirath) Shrine, all temples, math and idols within the premises of the Shrine and buildings attached or appurtenant to it, established with a religious object for a public purpose and includes,-
  - (i) all properties movable, immovable, belonging to or given or endowed for worship in, maintenance or improvement of, additions to, or temple, for the performance of any service or charity connected therewith; and
  - (ii) the idols installed in the temple, clothes, ornaments and things for decoration, etc.;
- (i) “Shrine fund” means and includes all sums received by or on behalf of or for the time being held for the benefit of the Shrine, and also includes all the endowments which have been or may hereafter be

made for the benefit of the Shrine or any other deity thereof in the name of any person, or for the convenience, comfort or benefit of the pilgrims thereto, as well as offerings (valuable security and jewellery) made to any of the deities comprised in the Shrine; and

- (j) "temple" means a place, by whatever designation known, used as a place of public religious worship, and dedicated to, or for the benefit of, or used as of right by any section of the community thereof as a place of public religious worship.

3. The ownership of the Shrine fund shall, from the commencement of this Act, vest in the Board and the Board shall be entitled to its possession, administration and use for the purposes of this Act. Vesting of Shrine fund.

4. (1) The administration, management and governance of the Shrine shall vest in a Board consisting of Chairman, Vice-Chairman and not more than fifteen members. The composition of the Board shall be as follows:- Constitution of the Board.

1. the Chief Minister, Punjab; : Chairman
2. the Minister-in-Charge of the Department of Tourism and Cultural Affairs, Punjab; : Vice-Chairman
3. the Minister-in-Charge of the Department of Welfare of Scheduled Castes and Backward Classes, Punjab; : Member
4. the Administrative Secretary to Government of Punjab, Department of Welfare of Scheduled Castes/Backward Classes; : Member
5. the Administrative Secretary to Government of Punjab, Department of Tourism and Cultural Affairs. : Member-Secretary
6. the Administrative Secretary to Government of Punjab, Department of Finance; : Member
7. the Deputy Commissioner, Amritsar; and : Member
8. the Director, Department of Cultural Affairs, Punjab. : Member

(2) The State Government shall nominate seven non-official members belonging to Valmiki/Majhabi Sikh community who in the opinion of the Government, have distinguished themselves in the service of the community.

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| Defraying of Shrine fund.                  | 5. The Shrine fund shall be applied,- <ul style="list-style-type: none"><li>(a) for defraying expenses for the proper maintenance of the temple, performance of puja and other rituals;</li><li>(b) for providing amenities and facilities to the visiting devotees;</li><li>(c) for establishment and maintenance of the educational institutions;</li><li>(d) for training of vidyarthies; and</li><li>(e) for securing the health, safety and convenience of disciples, pilgrims and worshippers visiting the Shrine.</li></ul>  |
| Incorporation of the Board.                | 6. The Board shall be a body corporate and shall have perpetual succession and a common seal and may by the said name sue and be sued.  |
| Term of office of member.                  | 7. A nominated member of the Board shall hold office during the pleasure of the Government: <p>Provided that his term of office shall not exceed two years from the date of his nomination under section 4.</p>   |
| Disqualification from membership of Board. | 8. A person shall be disqualified for being nominated as a member of the Board,- <ul style="list-style-type: none"><li>(a) if he is of unsound mind and stands so declared by a competent court or if he is a deaf, mute, or is suffering from contagious leprosy or any virulent contagious disease; or</li><li>(b) if he is an undischarged insolvent; or</li><li>(c) if he is appearing as a legal practitioner against the Board; or</li><li>(d) if he is sentenced by a criminal court for an offence involving moral turpitude, such sentence not having been reversed; or</li><li>(e) if in the opinion of the Government he has acted against the interest of the Shrine; or</li><li>(f) if he is an office-holder or servant attached to the Board; or</li><li>(g) if he has been guilty of corruption or misconduct in the administration of the Shrine; or</li><li>(h) if he is addicted to intoxicating liquors or drugs.</li></ul> |
| Dissolution and supersession of Board.     | 9. (1) If in the opinion of the Government, the Board is not competent to perform, or persistently makes default in performing the duties imposed on it under this Act or exceeds or abuses its powers, the Government may after due enquiry and after giving the Board a reasonable opportunity of being   |

heard, by order dissolve or supersede the Board and reconstitute another Board in accordance with this Act.

(2) Where a Board is dissolved or superseded under this section, the Government shall assume all the powers and perform all the functions and exercise all the powers of the Board for a period not exceeding three months or until the constitution of another Board, whichever is earlier.

10. (1) Casual vacancy of a member shall be filled in the same manner as provided in section 4. Filling up of vacancies.

(2) The term of a member nominated to fill a casual vacancy shall expire on the day on which the term of the member in whose vacancy the nomination has been made would have expired.

(3) Nothing done by the Board shall be invalid only by the reason of there being a casual vacancy.

11. Any nominated member may resign his office as member by giving notice in writing to the Chairman and his office shall become vacant from the date of acceptance of the same by the Government. Resignation.

12. (1) The Board shall maintain its office at such place as it may decide. Office and meeting of Board.  
(2) At the meeting of the Board, the Chairman and in his absence, Vice-Chairman shall preside.

(3) No business shall be transacted at any meeting unless at least five members are present.

(4) Every decision of the Board shall, except as expressly provided by this Act, be by a majority of votes, and in case of equality of votes, the person presiding shall have a second or casting vote.

13. (1) For the efficient discharge of the duties assigned to it under this Act, the Board may appoint a Chief Executive Officer and such other officers and servants as it considers necessary with such designations, pay, allowances and other remunerations and perquisites as the Board may determine from time to time. Appointment of officers and servants of Board.

(2) The Chairman of the Board, subject to any rules made under this Act, shall have the power to transfer, suspend, remove or dismiss any officer or servant of the Board for breach of discipline, carelessness, unfitness and neglect of duty or misconduct or for any other sufficient cause:

Provided that where the officer or the servant is a Government servant, he may be reverted to his parent cadre or department in the Government.

Officers and servants of Board to be public servants.	14. The members, officers and servants of the Board shall, while acting or purporting to act in pursuance of the provisions of this Act or any rules made there under, be deemed to be public servants within the meaning of section 21 of the Indian Penal Code.
Liability of members.	15. Every member of the Board shall be liable for the loss, waste or mis-application of the Shrine fund if such loss, waste or mis-application is a direct consequence of his willful act or omission while as member and a suit for compensation may be instituted against him by the Board.
Alienation of moveable and immoveable property.	16. (1) No Jewellery, ornaments which have been adorned on the idols or other valuable property of non-perishable nature forming part of Shrine fund shall be transferred, exchanged, sold or disposed of without the previous sanction of the Government on the recommendation of the Board.  (2) No land or other immovable property held by the Board shall be alienated except by a resolution of the Board and the approval of the Government.
Limitations of borrowing power and lending.	17. No money shall be borrowed or lent except by a resolution of the Board and the approval of the Government.
Duties of the Board.	18. Subject to the provisions of this Act and the rules made there under, it shall be the duty of the Board,-  (a) to arrange for the proper performance of worship at the Shrine; (b) to provide facilities for the proper performance of worship by the pilgrims; (c) to make arrangements for the safe custody and preservation of the Shrine fund; (d) to undertake for the benefit of worshippers and pilgrims,- (i) the construction of buildings for their accommodation; (ii) the construction of sanitary works; and (iii) the improvement of means of communication; (e) to undertake the developmental activities concerning the area of the Shrine and its surroundings; (f) to make suitable arrangements for the imparting of religious instructions and general education; (g) to make provisions of medical relief for worshippers and pilgrims;



- (h) to make provisions for the payment of suitable emoluments to the salaried staff; and
- (i) to do all such things as may be incidental and conducive to the efficient management, maintenance and administration of the Shrine and the Shrine fund and the convenience of the pilgrims.

19. The shopkeepers and other lease holders, who are the tenants of the Shrine in the area referred to in this Act, will become the tenants of the Board. Change of lease of tenants.

20. (1) There shall be prepared and maintained, in such form and manner as may be prescribed, a register(s) showing,- Preparation and maintenance of registers.

- (a) the origin and history of the Shrine and particulars as to the custom or usage of the Shrine;
- (b) particulars of the scheme of administration and of the scale of expenditure;
- (c) the name of all officers to which any salary, emolument or perquisite is attached and the nature, time and conditions of service in each case;
- (d) The money, jewellerys, jewels, gold, silver, precious stones, vessels and utensils and other movables belonging to the Shrine, with their weights, details of the constituent elements and estimated value thereof;
- (e) particulars of immovable properties and all other endowments of the Shrine and all title deeds and other documents;
- (f) particulars of, details of constituent elements of and colored photographs of the idols and other images in or connected with the Shrine, whether intended for worship or for being carried in processions;
- (g) particulars of ancient or historical records with their contents in brief; and
- (h) such other particulars as may be required by the Board.

(2) The register shall be prepared, signed and verified by the Chief Executive Officer or an officer authorized by the Board within three months from the date of the notice served upon him by the Member-Secretary in this behalf or within such further period as may be allowed by him.

(3) The Board may after such enquiry as it may consider necessary, recommend and direct the officer to carry out such alterations, omissions or additions in the registers as the Board may think fit.

	<p>(4) The officer shall carry out the directions of the Board and submit the register(s) to the Board for approval within a period of three months from the date of the order.</p>
Annual verification of the registers.	<p>21. (1) The Chief Executive Officer or any officer authorized by the Board shall scrutinize the entries in the register every year, or at such intervals of time, as may be prescribed, and submit the same to the Board through the Member-Secretary for its approval.</p> <p>(2) The Board may, thereupon, after such inquiry as it may consider necessary, direct the alterations, omissions or additions, if any, to be made in the register.</p> <p>(3) The officer authorized by the Board shall carry out the alterations, omissions or additions ordered by the Board in the copy of the register kept by him, within three months from the date of the order.</p>
Instruction of property and documents.	<p>22. (1) The Member-Secretary of the Board or any officer authorized in that behalf by the Board or the Government, may inspect all movable or immovable properties belonging to, and all records, correspondence, plans, accounts and other documents relating to the Shrine and it shall be the duty of all officers and servants working under him, and any person having concern in the administration thereof, to afford all such assistance and facilities as may be necessary or reasonably required in regard to such inspection, and also to produce any such movable property or document for inspections, if so required.</p> <p>(2) For the purposes of inspection as aforesaid the inspecting authority shall, subject to the local practice, custom or usage, have power to enter at any reasonable hour the premises of the Shrine.</p> <p>(3) Nothing in this section shall be deemed to authorize any person to enter the premises or place referred to in sub-section (2) or any part thereof unless such person professes the religion to which the premises or place belongs.</p>
Restriction on registration of documents.	<p>23. Notwithstanding anything contained in the Registration Act, 1908, the registering authority shall not accept for registration any deed or alienation of immovable property belonging to the Shrine unless a certified copy of the order made under section 16 sanctioning such alienation is filed along with the deed.</p>
Recovery of immoveable property unlawfully alienated.	<p>24. (1) Whenever it comes to the notice of the Board that any immovable property belonging to the Shrine has been alienated in contravention of this Act, it shall refer the matter to the Government.</p>

(2) Upon receipt of a reference made under sub-section (1), the Government shall hold a summary inquiry in the prescribed manner and on being satisfied that any such property has been so alienated, shall deliver possession of the same to the Board.

25. (1) The provisions contained in the Punjab Public Premises and Land (Eviction and Rent Recovery) Act, 1973 (Punjab Act No. 31 of 1973), shall be applicable, as far as may be, in respect of unauthorized occupation of any land or premises belonging to the Shrine as if it were the property of Government within the meaning of that Act.

Removal of  
encroachment  
from land and  
premises  
belonging to the  
Shrine.

(2) The Member-Secretary of the Board may make an application for taking up appropriate proceedings under the Act referred to in sub-section (1) to the authority competent there under and thereupon it shall be lawful for such authority to take action in accordance with the provisions in that Act.

26. (1) Where the Board has reason to believe that,-

Power to act for  
protection of  
Shrine.

- (a) any property belonging to the Shrine is in danger of being wasted, damaged or improperly alienated by any person; or
- (b) such person threatens or intends to remove or dispose of that property,

the Chief Executive Officer of the Board may, by order grant a temporary injunction or make such other order, for the purpose of staying and preventing the wastage, damage, alienation, sale, removal, or disposition of such property, on such terms as to the duration of injunction, keeping of accounts, giving security, production of the property or otherwise, as he thinks fit.

(2) The Chief Executive Officer of the Board shall in all such cases, except where it appears that the object of granting injunction would be defeated by delay, before granting an injunction, give notice of the facts to the person concerned.

(3) After hearing the person concerned and holding such inquiry, as he may think fit, the Chief Executive Officer of the Board may confirm, discharge, vary or set aside the order of injunction or pass an appropriate order.

(4) In case of disobedience or breach of any injunction, any of its terms or any order, the Chief Executive Officer of the Board may apply to the Government, who may, after hearing the Chief Executive Officer of the Board and the party affected, order the property of the person, guilty of such

disobedience or breach, to be attached. No attachment under this sub-section shall remain in force for more than two years, at the end of which time, if the disobedience or breach continues, the property attached may be sold, and out of the sale proceeds, the Government may award such compensation as it thinks fit, and shall pay the balance, if any, to the person entitled thereto, and thereupon the temporary injunction granted or any order passed by the Chief Executive Officer of the Board under this section, if in force, shall stand vacated or, as the case may be, cancelled.

(5) A person, against whom the order of injunction or any other order under this section is passed, may within ninety days from the date of communication of such order, appeal to the Government against such order.

Appointment and  
tenure of pujari.

27. (1) The Board or the officer authorized by it, shall appoint pujaris of the Shrine and in making such appointment, he shall have due regard to the claims of persons belonging to the Valmiki Community for whose benefit the Shrine is mainly maintained.

(2) A pujari shall hold office for a period as may be decided by the Board, unless in the meanwhile he is removed or dismissed or his resignation is accepted by the Board or the officer authorized by it or he otherwise ceases to be a pujari.

Power to  
suspend, remove  
or dismiss.

28. (1) The Board or the officer authorized by it may suspend, remove or dismiss any employee of the Shrine,-

- (a) for willful disobedience of any order issued by the Board or the Government under the provisions of this Act; or
- (b) for any malfeasance, misfeasance, breach of trust or neglect of duty in respect of the Shrine or alienation of any property, in contravention of this Act; or
- (c) for any misappropriation of, or improper dealing with, the properties of the Shrine; or
- (d) for having been found under the influence of intoxicating liquor or drugs in the Shrine; or
- (e) for unsoundness of mind or other mental or physical defect or infirmity which renders him unfit for discharging the functions:

Provided that no official shall be removed or dismissed by the Board or the officer authorized by it under this section unless he has been given a

reasonable opportunity of being heard.

(2) Any official who is suspended, removed or dismissed by the Board or the officer authorized by it under sub-section (1) may, within one month from the date of receipt of the order of suspension, removal or dismissal, prefer an appeal to such authority and in such manner as may be prescribed.

(3) An official so suspended may be allowed such maintenance as may be fixed by the Board or the officer authorized by it considering the financial condition of the Shrine.

29. A person shall be disqualified for being appointed as, and for continuing to be, a pujari,- Disqualification of pujaris

- (a) if he is an undischarged insolvent; or
- (b) if he is of unsound mind and stands so declared by a competent court; or
- (c) if he is interested either directly or indirectly in a subsisting lease or any property of, or contract made with, or any work being done for, the Shrine or is in arrears of any dues payable to the Shrine; or
- (d) if he is appearing as a legal practitioner on behalf of or against the Shrine; or
- (e) if he has been sentenced by a criminal court for an offence involving moral turpitude, and such sentence has not been reversed; or
- (f) if he has acted adversely to the interest of the Shrine; or
- (g) if he is an addict to intoxicating liquors or drugs; or
- (h) if he has not completed twenty-one years of age.

30. (1) When a permanent vacancy occurs in the office of the pujari of the Shrine, the pujari shall be appointed by the Board or by an officer authorized by it. Filling of vacancy in the office of pujaris.

(2) When a temporary vacancy occurs in such an office by reason of the suspension of a pujari, a pujari in his place shall be appointed by the Board or the officer authorized by it to discharge the functions of the pujari until his disability ceases.

31. (1) The Member-Secretary of the Board shall, before the end of December, in each year, submit to such authority and in such form and manner as may be prescribed a budget showing the probable receipts and disbursements of the Shrine during the following financial year. Budget of Shrine.

- (2) Every such budget shall make adequate provision for,-
- (a) the scale of expenditure for the time being in force and customary expenditure;
  - (b) the due discharge of all liabilities binding on the shrine;
  - (c) the expenditure on religious, educational and charitable purposes not inconsistent with the objects of the Shrine;
  - (d) the encouragement and the spread of religious instructions according to the tenets of the Shrine; and
  - (e) the expenditure on the repairs and renovation of the buildings and preservation and protection of the properties and assets of the Shrine.

(3) The Board may, on receipt of the budget make such alterations, omissions or additions therein, as it may deem proper.

(4) Notwithstanding anything contained in any other law for the time being in force or in any custom, usage or practice to the contrary, the provisions made for remuneration of any office holder or for any other item of expenditure in respect of the Shrine may be increased, decreased or modified by the Board if such increase, decrease or modification is considered necessary in view of the financial condition and the interest of the Shrine.

Accounts.

32. (1) The officer authorized by the Board shall keep regular accounts of all receipts and disbursements. Such accounts shall be kept for each calendar year separately in such form and shall contain such particulars as may be prescribed.

(2) The accounts of the Shrine shall be audited annually by a person who is a Chartered Accountant within the meaning of the Chartered Accountants Act, 1949 (No. 38 of 1949), or by such other person as may be authorized in this behalf by the Government.

(3) Every auditor conducting the audit under sub-section (2) shall have access to the accounts and to all books, vouchers, other documents and records in possession of or under the control of the officer authorized by the Board.

Penalty for refusal by pujaris, etc. to comply with the provisions of this Act.

33. If any pujari, officer, servant or any other person concerned with the administration of the Shrine,-

- (a) refuses or willfully fails to comply with the provisions of this Act or the rules framed there under or the orders and directions issued

there under or obstructs any proceedings taken under this Act or the rules framed there under; or

- (b) refuses or willfully fails to furnish any reports, statements, accounts or other information called for under this Act,

he shall be removed without any notice.

34. Any person who,-

- (a) having possession, custody or control of any property, document or books of accounts belonging to the Shrine, the management and control of which has been regulated under the provisions of this Act or the rules framed there under, wrongfully withholds such property or documents or books of accounts from the Board or any other person duly authorized by the Government or the Board to inspect or call for the same; or
- (b) wrongfully obtains possession of or retains any property, document or books of accounts of the Board or willfully withholds or fails to furnish or deliver to the Board or any other person duly authorized by it in this behalf; or
- (c) wrongfully removes, destroys or mutilates property, documents or books of accounts of the Shrine,

Penalty for wrongful withholding of property obliging to Shrine.

shall be punishable with imprisonment for a term which may extend to one year, or with fine, or with both.

35. (1) No officer or servant of the Government shall be liable in any civil or criminal proceedings in respect of any act done or purporting to be done under this Act or under the rules made there under, if the act has been done in good faith and in the course of the duties imposed or in discharge of the functions assigned by or under this Act or the rules framed there under.

Protection of action taken under this Act.

(2) No suit or other legal proceedings shall lie against the Government for any damage caused or likely to be caused or any injury suffered or likely to be suffered by virtue of any provisions of this Act or by anything done in good faith or intended to be done in pursuance of this Act or the rules made there under.

36. The Government may, from time to time, give such general or specific directions, in writing, to the Board for the effective implementation of the provisions of this Act and while doing so, may rescind, alter or modify any order made by the Board and the Board shall follow them in the discharge of its duties.

Power to give directions.

Power of Government to review.	<p>37. The Government may, <i>suo-motu</i> or on an application moved by any person considering himself aggrieved from any order or decision of the Board made under this Act, review such order or decision and make such order thereon as it thinks fit:</p> <p>Provided that before any order is made under this section, the Government shall afford to any person, likely to be adversely affected by such order, an opportunity of being heard.</p>
Power to remove difficulties.	<p>38. If any difficulty arises in giving effect to the provisions of this Act, the Government may, by an order published in the Official Gazette, make such provisions not inconsistent with the purposes of this Act as appear to it necessary or expedient for removing the difficulty.</p>
Bar of jurisdiction.	<p>39. Save as expressly provided in this Act, no civil court shall have jurisdiction to entertain or adjudicate upon any dispute or matter which is to be decided by any officer or authority under this Act and in respect of which the decision or order of such officer or authority has been made final and conclusive.</p>
Power to make rules.	<p>40. (1) The Government may, subject to the condition of previous publication, make rules for the purpose of carrying into effect the provisions of this Act.</p> <p>(2) Without prejudice to the generality of the foregoing powers, such rules may provide for,-</p> <ul style="list-style-type: none"><li>(a) the form and manner in which the registers are to be maintained under section 20;</li><li>(b) the scrutiny of the entries in the registers under section 21;</li><li>(c) the manner in which inquiry is to be conducted under section 24;</li><li>(d) the authority to which and the manner in which appeal is to be preferred under section 28;</li><li>(e) the form and manner in which the budget is to be prepared under section 31;</li><li>(f) the form of statements, returns and other forms required to be maintained by or under this Act and the manner in which these are to be maintained;</li><li>(g) the returns, accounts or other information to be submitted by the officer authorized by the Board;</li></ul>



- (h) the preservation, maintenance, management and improvements of the properties and buildings of the Shrine;
- (i) the preservation of idols and images in temples; and
- (j) any other matter which is to be or may be prescribed under this Act.

(3) Every rule made under this section, shall be laid, as soon as may be, after it is made, before the House of the State Legislature while it is in session for a total period of ten days, which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the successive sessions as aforesaid, the House agrees in making any modification in the rule or the House agrees that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be. However, any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

41. On and from the date on which the provisions of this Act are made applicable to the Shrine, the provisions of any other law which might be applicable to the Shrine shall cease to apply thereto:

Certain enactments to cease to apply to the Shrine.

Provided that such cessation shall not in any way affect,-

- (a) any right, title, interest, obligation or liability already acquired, accrued or incurred; or
- (b) any legal proceeding instituted and for any remedy in respect of such right, title, interest, obligation or liability; or
- (c) anything duly done or suffered.

**STATEMENT OF OBJECTS AND REASONS**

The Punjab Bhagwan Valmik Ji Tirath Sthal (Ram Tirath) Shrine Board Bill, 2016 provides provides for a better management, administration and governmance of Bhagwan Valmik Ji Tirath Sthal (Ram Tirath) and its endowments including the lands and buildings attached or appurtenant to the Shrine.

2. Hence the Bill.

**SOHAN SINGH THANDAL,**  
Minister for Tourism & Cultural Affairs,  
Punjab.

**MEMORANDUM REGARDING DELEGATED LEGISLATION**

Section 40 of the Punjab Bhagwan Valmik Ji Tirath Sthan (Ram Tirath) Shrine Board Bill, 2016 empowers to the State Government to make rules to carry out the purposes of this Act. The powers sought are necessary for the proper implementation of the provisions of the Act and are normal in nature.

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Chandigarh  
The 19th December, 2016

**SHASHI LAKHANPAL MISHRA**  
Secretary.

*1161/12-2016/Pb. Govt. Press, S.A.S. Nagar*





# **Punjab Government Gazette**

## **EXTRAORDINARY**

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**PUNJAB VIDHAN SABHA SECRETARIAT**

### **NOTIFICATION**

The 19th December, 2016

**No. 59-PLA-2016/306.**-The Punjab State Commission for Women (Second Amendment) Bill, 2016 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No. 59-PLA-2016

### **THE PUNJAB STATE COMMISSION FOR WOMEN (SECOND AMENDMENT) BILL, 2016**

A  
BILL

further to amend the Punjab State Commission for Women Act, 2001.

BE it enacted by the Legislature of the State of Punjab in the Sixty-seventh Year of the Republic of India as follows:-

1. (1) This Act may be called the Punjab State Commission for Women (Second Amendment) Act, 2016. Short title and commencement.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

- Amendment in section 2 of Punjab Act 4 of 2001.
2. In the Punjab State Commission for Women Act, 2001 (hereinafter referred to as the principal Act), in section 2, in clause (c), for the words "Chairperson, Vice-Chairperson", the words and signs "Chairperson, Senior Vice-Chairperson, Vice-Chairperson" shall be substituted.
- Amendment in section 3 of Punjab Act 4 of 2001.
3. In the principal Act, in section 3, in sub-section (2), for clause (aa), the following clause shall be substituted, namely:-
- "(aa) a Senior Vice-Chairperson and a Vice-Chairperson, who shall be eminent women committed to the cause of women, to be nominated by the Government;"
- Amendment in section 4 of Punjab Act 4 of 2001.
4. In the principal Act, in section 4,-
- (i) in the margin, for the words and sign "Chairperson, Vice-Chairperson", the words and signs "Chairperson, Senior Vice-Chairperson, Vice-Chairperson" shall be substituted;
  - (ii) in sub-section (1), for the words and sign "Chairperson, Vice-Chairperson", the words and signs "Chairperson, Senior Vice-Chairperson, Vice-Chairperson" shall be substituted;
  - (iii) for sub-section (2), the following sub-section shall be substituted, namely:-

"(2) The Chairperson or Senior Vice-Chairperson or Vice-Chairperson or a non-official member may, at any time, by writing and addressed to the Government, resign from the office of the Chairperson or of the office of the Senior Vice-Chairperson or of the office of the Vice-Chairperson or of the office of the member, as the case may be.";
  - (iv) in sub-section (3) and (4), for the words "Chairperson or Vice-Chairperson", wherever occurring, the words "Chairperson or Senior Vice-Chairperson or Vice-Chairperson" shall be substituted; and
  - (v) in sub-section (5), for the words and sign "Chairperson, Vice-Chairperson", the words and signs "Chairperson, Senior Vice-Chairperson, Vice-Chairperson" shall be substituted.
- Amendment in section 6 of Punjab Act 4 of 2001.
5. In the principal Act, in section 6, for the words and sign "Chairperson, Vice-Chairperson", the words and signs "Chairperson, Senior Vice-Chairperson, Vice-Chairperson" shall be substituted.

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| 6. In the principal Act, in section 7, for the words "Chairperson or Vice-Chairperson", the words "Chairperson or Senior Vice-Chairperson or Vice-Chairperson" shall be substituted.   | Amendment in section 7 of Punjab Act 4 of 2001.  |
| 7. In the principal Act, in section 20 and in the margin thereof, for the words and sign "Chairperson, Vice-Chairperson", the words and signs "Chairperson, Senior Vice-Chairperson, Vice-Chairperson" shall be substituted. | Amendment in section 20 of Punjab Act 4 of 2001. |

**STATEMENT OF OBJECTS AND REASONS**

The Punjab State Commission for Women Act, 2001 amendment Act, 2016 provides the constitution of the State Commission for Women with a view to improve the status of women in the State of Punjab and to enquire into unfair practices affecting women and for the matters connected therewith or incidental thereto. Punjab State Women Commission has been established in June 1998 by the Government of Punjab. Chairperson, Vice-Chairperson and 10 members can be appointed in the Punjab State Women Commission as per the provisions. At present, Chairperson, Vice-Chairperson and 9 members are working in the Punjab State Women Commission.

Keeping in view the fact of vast task to serve the cause of women, a post of Senior Vice-Chairperson is to be created so as to join hands with the Chairperson and Vice Chairperson of the Commission for the empowerment, protection, upliftment and promotion of common interests of women.

Hence the Bill.

**SURJIT KUMAR JYANI,**  
Minister for Social Security and Women &  
Child Development, Punjab.



**FINANCIAL MEMORANDUM**

This amendment involves financial implication for the Government.

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The Governor has, in pursuance of clause (1) and (3) of Article 207 of the Constitution of India, recommended to the Punjab Legislative Assembly, the introduction and consideration of the Bill.

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Chandigarh  
The 19th December, 2016

**SHASHI LAKHANPAL MISHRA**  
Secretary.





# Punjab Government Gazette

## EXTRAORDINARY

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**PUNJAB VIDHAN SABHA SECRETARIAT**

### NOTIFICATION

The 19th December, 2016

**No. 60-PLA-2016/305.-**The Punjab State Commission for Minorities (Third Amendment) Bill, 2016 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No. 60-PLA-2016

### **THE PUNJAB STATE COMMISSION FOR MINORITIES (THIRD AMENDMENT) BILL, 2016**

A  
BILL

further to amend the Punjab State Commission for Minorities Act, 2012.

BE it enacted by the Legislature of the State of Punjab in the Sixty-seventh Year of the Republic of India as follows:-

1. (1) This Act may be called the Punjab State Commission for Minorities (Third Amendment) Act, 2016. Short title and commencement.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

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Amendment in  
section 5 of  
Punjab Act 13 of  
2013.

2. In the Punjab State Commission for Minorities Act, 2012, in section 5, for sub-section (1), the following sub-section shall be substituted, namely:-

"(1) (a) The Chairperson shall hold office for a term of three years from the date he assumes office and shall be eligible for re-appointment up to two terms of the same duration or until he attains the age of seventy years, whichever is earlier.

(b) The Senior Vice-Chairperson, the Vice-Chairperson and every Member shall hold office for a term of three years from the date he assumes office and shall be eligible for re-appointment for another term of the said duration or until he attains the age of seventy years, whichever is earlier."

**STATEMENT OF OBJECTS AND REASONS**

With a view to strengthen the Punjab State Commission for Minorities and to give more representation and stability in the governance to minority communities for protecting and safeguarding their interests. Therefore, a proposal to give an another term of three years to the Chairperson. Hence necessary amendment is required to be made in the Punjab State Commission for Minorities Act, 2012 (Act No. 13 of 2013).

2. Hence, the Bill.

**PARKASH SINGH BADAL,**  
Chief Minister, Punjab.

**FINANCIAL MEMORANDUM**

The Punjab State Commission for Minorities (Third Amendment) Bill, 2016, aims to give another term of three years to the Chairperson of the Punjab State Commission for Minorities for strengthening the Commission and giving more representation to the Minorities Communities in the Governance to protect and safeguard the interest of the Minorities.

The Bill involves financial implications and it is estimated that expenditure of about Rs. 09 lakhs per annum (approx) will be incurred on account of Honorarium and other allowances and P.O.L. payable to the Chairperson.

The Governor has, in pursuance of clause (1) and (3) of Article 207 of the Constitution of India, recommended to the Punjab Legislative Assembly, the introduction and consideration of the Bill.

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Chandigarh  
The 19th December, 2016

**SHASHI LAKHANPAL MISHRA**  
Secretary.



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**PUNJAB VIDHAN SABHA SECRETARIAT**

### **NOTIFICATION**

The 19th December, 2016

**No. 61-PLA-2016/304.**-The Punjab Allotment of State Government Land Bill, 2016 is hereby published for general information under the proviso to rule 121 of the Rules of Procedure and Conduct of Business in the Punjab Vidhan Sabha (Punjab Legislative Assembly):-

Bill No. 61-PLA-2016

### **THE PUNJAB ALLOTMENT OF STATE GOVERNMENT LAND BILL, 2016**

A  
BILL

to provide for allotment of land to the occupants who are in cultivating possession of such land for the last more than twenty years.

BE it enacted by the Legislature of the State of Punjab in the Sixty-seventh Year of India, as follows:-

1. (1) This Act may be called the Punjab Allotment of State Government Land Act, 2016. Short title and commencement.

(2) It shall come into force on and with effect from the date of its publication in the Official Gazette.

( 2379 )

Definitions.

2. In this Act, unless the context otherwise requires,-
- (a) "Allotment Commissioner" means the Sub-Divisional Magistrate;
  - (b) "Collector" means the District Collector or the Deputy Commissioner of the District;
  - (c) "Commissioner" means the Commissioner of the Division;
  - (d) "competent authority" means the Chief Allotment Commissioner, who is the Deputy Commissioner of the District;
  - (e) "cultivating possession" means continuous cultivating possession established by the entries in the revenue record;
  - (f) "Family" in relation to a person means the person, the wife or husband, as the case may be, of such person and his or her minor children;
  - (g) "Financial Commissioner" means the Financial Commissioner Revenue of the State of Punjab;
  - (h) "head of family" means the eldest adult male member of a family, provided that an adult married son will be regarded as head of his own smaller family which shall also be considered separate unit;
  - (i) "land" means the State Government's rural agriculture land, belonging to or vesting in the State Government but shall exclude,-
    - (i) evacuee land, which is governed by the Punjab Package Deal Properties (Disposal) Act, 1976;
    - (ii) nazool land, which is governed by the Nazool Land Transfer Rules, 1956;
    - (iii) surplus land, which means the area declared surplus land and which is governed by the Punjab Land Reforms Act, 1972;
    - (iv) shamlat land means the land as defined in the Punjab Village Common lands (Regulation) Act, 1961; and
    - (v) mushtarka malkan land kept for common purposes in the light of section 23-A and section 42-A of the East Punjab Holdings (Consolidation and Prevention of Fragmentation) Act, 1948;
  - (j) "occupant" means a person in continuous cultivating possession of land, whether authorized or unauthorized, either himself or through his lineal ascendant(s);
  - (k) "rural area" means an area within the State of Punjab which is not urban area;



- (l) "State Government" means the Government of the State of Punjab in the Department of Revenue, Rehabilitation and Disaster Management; and
- (m) "Tehsildar (Allotment)" means the Tehsildar.

3. (1) Any occupant who is in continuous, undisputed and actual cultivating possession of a land for the last more than twenty years, duly supported by the revenue record, shall be entitled for allotment of land in accordance with the provisions of this Act and the rules framed thereunder:

Persons entitled to make an application.

Provided that no occupant/family shall be allotted more than five acres of land under this Act.

(2) Any person who considers himself as eligible for allotment of land under the provisions of this Act may at any time apply to the competent authority for allotment of such land.

4. (1) On receipt of an application for transfer of land, the competent authority, after conducting such inquiry, as he deems fit, and after considering the reports and recommendations, if any, of the Tehsildar (Allotment) and the Allotment Commissioner may, by order in writing, either allot or decline to allot the land applied for:

Transfer of land.

Provided that the competent authority shall pass an order of allotment only to that extent as the applicant is eligible under this Act:

Provided further that no order, either partially or totally, rejecting allotment shall be passed without affording the applicant a reasonable opportunity of being heard.

(2) An application for allotment of land may be made by a person who is in occupation of such land and is having cultivating possession for the last more than twenty years and is also head of the family.

(3) An occupant shall not be entitled to apply, if , he is an allottee or vendee of the land, the allotment or transfer whereof has been cancelled on the grounds of fraud, misrepresentation of facts or otherwise.

5. The price of the land which is allotted shall be determined on the basis of the Collector rate fixed by the Collector and the rate of allotment shall be as follows:-

Price of land.

- (a) upto two acres—Collector rate minus fifty per cent;
- (b) above two acres upto four acres—Collector rate minus twenty five per cent; and

(c) above four acres and upto five acres – at the Collector rate:

Provided that the Collector rate, relevant on the date of allotment order of the competent authority shall be relevant for the aforesaid purpose.

Mode of recovery  
of Price of land.

6. Where any land has been allotted to an occupant, twenty five per cent of the total consideration shall be deposited at the time of issue of letter of intent and the balance price shall be paid by the allottee in ten interest-free six-monthly installments. However, for any delayed installment, interest at the rate of twelve per cent per annum shall be recovered for the period of delay.

In the event, an allottee wants to deposit the entire amount at the stage of the allotment itself, a discount of ten per cent of the overall consideration shall be admissible to him.

Issue of  
conditional  
conveyance deed.

7. (1) A conditional conveyance deed shall be issued on the deposit of twenty five per cent of the total consideration.

(2) The allottee shall not be entitled to alienate the allotted land for a period of ten years from the date of issue of conditional conveyance deed.

Explanation:-Devolving of land by intestate succession or under a Will/ Bequest shall not be deemed as alienation. However, no mutation shall be sanctioned in favour of the allottee merely on the basis of conditional conveyance deed.

Issue of  
unconditional  
conveyance deed.

8. After the expiry of period of ten years from the issue of conditional conveyance deed, an unconditional conveyance deed shall be issued by the competent authority after satisfying himself that no unauthorized alienation of the allotted land has taken place and all the installments of the total price of the land has been paid.

Power to cancel  
allotment.

9. (1) In the event of failure of the allottee to pay the installments or in case of persistent default, the competent authority, at any time, shall be authorized to cancel the conveyance deed after affording opportunity of being heard to the allottee. The amount, if any, paid by the allottee shall stand forfeited.

(2) The competent authority may, at any time, cancel the allotment of land, if the allotment has been obtained by fraudulent means.

Publication of  
notice.

10. (1) The competent authority shall publish a notice in the Official Gazette calling for objections from all the departments of Punjab Government and any other person interested in the land, within a period of sixty days stating his intention to bring the land within the purview of the allotment scheme under

this Act.

(2) After hearing the objection(s), if any, received and conducting such enquiry as deemed fit, the competent authority shall pass an order as to whether the land proposed to be allotted is to be brought within the purview of this Act and his order shall be published in the Official Gazette.

(3) Subject to an order passed under section 12 of this Act by the State Government, final order of the competent authority notified in the official Gazette shall be final and not called in question in any other court.

11. Any person or any department of Punjab Government aggrieved by an order of the competent authority under this Act may, within thirty days from the date of order, prefer an appeal to the Commissioner in such form and manner, as may be prescribed: Appeal.

Provided that the Commissioner may entertain an appeal after the expiry of said thirty days, if he is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

12. (1) The State Government may at any time call for the record of any case under this Act pending before, or disposed of, by any officer and may pass such order in relation thereto as in its opinion, the circumstances of the case require and is not inconsistent with any provision contained in this Act or the rules made there under. Revision.

(2) The State Government shall not pass an order under this section reversing or modifying any proceedings or order of any officer without giving the affected person an opportunity of being heard.

13 The proceedings under this Act shall be conducted as per procedure laid down under the Punjab Land Revenue Act, 1887. Procedure.

14. Save as otherwise expressly provided under this Act, every order made by any officer or an authority under this Act, shall be final and no civil court shall have jurisdiction to entertain any suit or proceeding in respect of any matter which the State Government or any officer or authority appointed under this Act is empowered by or under this Act and no injunction shall be granted by any court or other authority in respect of any action taken or to be taken in pursuance of any power conferred by or under this Act. Bar of jurisdiction and finality of orders.

15. No suit or other legal proceedings shall lie against the State Government or any officer or authorities appointed under this Act in respect of anything which is taken in good faith or intended to be done in pursuance of this Act. Protection of action taken in good faith.

Power to make  
rules.

16. (1) The State Government, may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be, after it is made, before the House of the State Legislature, while it is in session, for a total period of ten days, which may be comprised in one session or in two or more successive sessions and if, before the expiry of the session in which it is so laid or the successive sessions as aforesaid, the House agrees in making any modification in the rules or the House agrees, that the rules should not be made, the rules shall thereafter have effect only in such modified form or be of no effect, as the case may be. However, any such modification or annulment shall be without prejudice to the validity of anything previously done or omitted to be done under that rule.

**STATEMENT OF OBJECTS AND REASONS**

A large number of agricultural lands belonging to the State Government, often described as Provincial Government Lands, are in the continuous, actual cultivating possession of various persons. These lands are usually leased out from year-to-year by the officers of the Revenue Department by open auction. A number of disputes arise when the possession changes at the end of the agricultural years.

2. With a view to avoid such disputes, and also as a measure of agrarian Reforms, this Bill is being presented to confer proprietary rights at reasonable rates on persons who, either by themselves or their lineal ascendants, have been cultivating this land for 20 years or more.

3. Hence this Bill.

**BIKRAM SINGH MAJITHIA,**  
Minister for Revenue,  
Punjab.

**FINANCIAL MEMORANDUM**

A large number of agricultural lands belonging to the State Government, often described as Provincial Government Lands, are in the continuous, actual cultivating possession of various persons. These lands are usually leased out from year-to-year by the officers of the Revenue Department by open auction. A number of disputes arise when the possession changes at the end of the agricultural years.

2. With a view to avoid such disputes, and also as a measure of Agrarian Reforms, this Bill is being presented to confer proprietary rights at reasonable rates on persons who, either by themselves or their lineal ascendants, have been cultivating this land for 20 years or more.

3. Actual number of persons to whom the land will be allotted under the proposed Act cannot be foreseen. Similarly any financial loss to the Government cannot be assessed because it is not possible as to how many persons would actually apply for allotment of land under the proposed Act.

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The Governor has, in pursuance of clause (1) and (3) of Article 207 of the Constitution of India, recommended to the Punjab Legislative Assembly, the introduction and consideration of the Bill.

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Chandigarh  
The 19th December, 2016

**SHASHI LAKHANPAL MISHRA**  
Secretary.